the weekly Standard

OCTOBER 12, 1998 • $3.50

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THE LAST LAUGH?

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DAVID FRUM: A CORRUPT ADMINISTRATION
THOMAS W. KIRBY: THE TRUTH ABOUT PERJURY
MATTHEW REES: THE DEMOCRATS' DILEMMA

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The Audit Bureau Member

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Conyers and Wanniski: Saddam's Amen Corner

John Conyers may be the ranking Democrat on the House Judiciary Committee—point man in the effort to protect Bill Clinton as much as possible from the impeachment process—but that doesn't mean he can't find time in his busy schedule to help Saddam Hussein, too.

On Tuesday, Oct. 6, Conyers will play host to an "ad-hoc congressional hearing" (i.e., provide a propaganda platform) at which the National Iraq Network, the American-Arab Anti-Discrimination Committee, and other inveterate Iraq-defenders will bemoan "the plight of the Iraqi people." Suffice it to say, they do not mean to call attention to the depredations of Saddam Hussein and his thugs, but to agitate for an end to the post-Gulf War U.N. sanctions—as if those sanctions were not already collapsing thanks to the Clinton administration's lack of resolve.

Meantime, the prospect of a tougher U.S. Iraq policy has come under attack from Jude Wanniski—the onetime close adviser to Jack Kemp and other prominent Republicans. In recent years, as The Scrapbook has periodically chronicled, Wanniski has made himself into a sort of disciple of Nation of Islam Minister Louis Farrakhan. And as a byproduct of his conversion from supply-side publicist to Farrakhan evangelist, Wanniski seems to have become infected with the minister's characteristic thuggishness.

Farrakhan once threatened *Washington Post* editor Milton Coleman with physical harm. Now Wanniski threatens former Reagan administration defense official Richard Perle—for being a menace to Saddam Hussein's interests.

Here are a few choice excerpts from Wanniski's Sept. 29 memo to Perle: "I'm prompted to write this note of caution having spotted the following item in . . . the *Forward*, the Jewish weekly." The *Forward* had reported a recent meeting of Perle, former CIA director R. James Woolsey, and congressional staffers at which a discussion took place of American backing for a plan to liberate Iraq from Saddam Hussein. Continues Wanniski: "You really have to be more careful, Dick. The Iraqis read the *Forward*. And the Iraqi Ambassador to the United States, Nizar Hamdoon, knows you are maniacally bent on instigating a war between the NATO powers and Baghdad."

Where would Hamdoon get such an idea about Perle, who is nowadays a scholar at the American Enterprise Institute, a venerable Washington think tank? Writes Wanniski: "I've talked to Hamdoon about you and he knows you would like to get the Baghdad regime kicked out of the United Nations so that it has no voice in the United States." Wanniski ends with a bad parody of a Mafioso offering disingenuous concern to someone he is about to have rubbed out: "Richard, we have been shoulder-to-shoulder in the Cold wars since we met in 1969. You know I respect your great intelligence. But you should know that there are a few of us out here who know all about your diabolical schemes to foment conflict for the sake of conflict. We are keeping our eye on you."

Whew. The Scrapbook may start checking under its car in the morning before putting the key in the ignition.

That's Not Funny

The undisputed leader in Clinton humor this year is *Saturday Night Live*. In fact, the show may be funnier now than in its putative heyday. There are a couple of disturbing signs, though, that *SNL* is going soft. At the beginning of the new fall season, Colin Quinn, who does the fake newscast, announced that it was time to take it easy on Bill Clinton: After all, the president is doing a fine job, and many great men indulge in a little hanky-panky. Why, even George Washington, the Father of Our Country who swore that he could not tell a lie, succumbed to syphilis—and what faithful truth-teller ever "died of the clap"?

The Scrapbook is happy to report that Quinn grossly misinformed his (undoubtedly huge) audience. Our favorite George Washington biographer, Weekly Standard contributor Noemie Emery, reminds us that Washington was in strapping health only the day before he died. Then he was afflicted with a sudden throat ailment, which quickly took him—to the bafflement of his doctor. Washington most certainly did not die of the clap.

Days after the Quinn sermonette, Kelsey Grammer, of *Frasier*, who was to guest-host *SNL*, announced that he, too, would refrain from having fun at Clinton's expense. He explained on the *Today* show that "people have offered me help in my lifetime, and obviously that's something the president could use at this time." Clinton, said Grammer, is the victim of a "self-destructive" impulse:

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"It's a condition you have to treat."

Okay, sure, but spare us the pathos. If *SNL*'s Gerald Ford can fall repeatedly down staircases; if its Ronald Reagan can nap without cease; then its Bill Clinton can keep fiddling with his cigar.

Lies, Damn Lies, and Polls

Last week's ABC News/*Washington Post* poll had some interesting things in it that didn't make it into the summaries. While only 38 percent of likely voters say the president should be impeached, the 60 percent who say he should not be are not a monolithic group. They fall into two camps of roughly equal size (with some overlap). One camp opposes impeachment because what the president did is "not serious"; the other because impeachment is "too disruptive." Thus, public opinion at the end of September seems to have been sorted out into roughly equal thirds, where the president's future is concerned: Those who want to be rid of him, those who will go to the barricades for him, and those who think impeachment will disturb their sleep. This middle group is obviously a swing group, and could presumably be persuaded to favor impeachment if Congress moves ahead and if the prospect no longer looks so radical.

Meanwhile, though the public is quite cynical about the motives of congressional Republicans in their handling of the Starr referral, it's even more cynical about Democrats. Some 61 percent of likely voters think Republicans in Congress are mainly interested in hurting Clinton politically; only 35 percent think the GOP's main interest is in finding out the truth. The comparable numbers are worse for Democrats: 68 percent of likely voters think they are mainly interested in protecting Clinton, and only 27 percent believe John Conyers et al. are truth-seekers.

Correction of the Week

There was a lapse, understandable as you will see, in *People* magazine's Online Daily of Sept. 29. But the next day, The Scrapbook's favorite online publication corrected itself: "Because of a transmission error, yesterday's opening quote—'I'm not saying there's not a lot of perks that you do experience as a celebrity that are very, very positive and pleasant. But just emotionally I have a tough time with it'—was mistakenly attributed to President Clinton. It should, in fact, have been attributed to Woody Allen."

Our Kind of Schedule

NEWS
FROM THE COMMITTEE ON WAYS AND MEANS

FOR IMMEDIATE RELEASE
October 2, 1998

CONTACT: Ari Fleischer or Trent Duffy
(202) 225-8933

Archer Announces Schedule for the Week of October 5

DATE	TIME	ROOM	COMMITTEE
Monday, October 5	No meetings scheduled.		
Tuesday, October 6	No meetings scheduled.		
Wednesday, October 7	No meetings scheduled.		
Thursday, October 8	No meetings scheduled.		
Friday, October 9	No meetings scheduled.		

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Correspondence

No, It's Worse than Watergate

As perhaps the only San Franciscan who has continually used the postage stamps honoring Richard Nixon, I must take issue with David Frum's denigration of the late, great former president by comparing the unfortunate Watergate affair to the self-inflicted scandals wrought by the "grossness of President Clinton's misconduct" ("Yes, It *Is* Like Watergate," Sept. 28).

Richard Nixon—who had the courage, decency, and honor to acknowledge his mistakes by resigning—respected, loved, and was faithful to both his wife and his America.

THOMAS M. EDWARDS
SAN FRANCISCO, CA

Kung Fu Fighting

I enjoyed reading J. Bottum's fine reflections on Kurosawa and his movies ("The Last Samurai," Sept. 28). Bottum recalls the wonderful early scene from *The Seven Samurai*—which is simultaneously grim and comic—where a skeptical peasant says that samurai will be too proud to work for a village of mere peasants, and a wise, old man then replies, "Find hungry samurai." This account leaves out one of the interesting lessons of the film, which is that this plausible piece of "realism" turns out to be wrong. The one samurai they find who is willing to agree purely out of financial need proves to be completely worthless as a protector. The samurai who actually come to defend the village are ones for whom quite different motives are central: pride, generosity, loyalty, vanity, and (above all) personal honor. That's a fitting message from "the last samurai."

JEFF WEINTRAUB
BETHLEHEM, PA

More Troops, Fewer Staff

William R. Hawkins is correct—deployable active Army divisions have shrunk in number from 18 to 10 ("Ground Troops Win Wars," Sept. 28). But worse, some of the surviving 10 are seriously short of both infantrymen and tankers in the line companies and battalions, and therefore are unready for combat—and a recruiting failure for infantry and armor is only partially responsible for this problem.

While the manning, training, and readiness of the deployable force have been neglected, top-heavy, swollen Cold War-era staffs persist at all levels of the military. These vast legions of office drones push paper and computer icons from 8:00 A.M. to 5:00 P.M., five days a week, and do no physical work. Even the uniformed military members of these staffs may go years without zeroing an individual weapon.

Defense does not need more money. It must eliminate several layers of mid-

dle management—both in the Pentagon and in the field—and fully man and equip the deployable forces it has.

ROBERT FAIRCHILD
HAMPTON, VA

The Game of Life

Your account of my remarks at the American Political Science Association is in error (SCRAPBOOK, "Stanley Fish, Pro-lifer," Sept. 21). Although I did declare that I was not a supporter of abortion rights, I did not chastise the pro-choice movement "for refusing to acknowledge the fact that abortion takes the life of an innocent human being." What I did was acknowledge that Professor George's observation—that it is now pro-life proponents who cite scientific evidence while pro-choicers look elsewhere for arguments in support of their position—is accurate. I had gotten that point wrong in my *First Things* essay, and I said so in public, as one should when one is corrected. But I in no way expressed my agreement with Professor George when he wrote that "the pro-choice position simply collapses" when its scientific basis is removed.

My point would be that both positions can and have survived the loss of the evidentiary basis on which they formerly relied. All they have to do is scramble around and find a new set of arguments that will replace the ones of which they have been deprived. The game, as I argue, is always a rhetorical one in which no position can ever be conclusively (that is, to the satisfaction of all parties) refuted. I did not, as you say I did, accuse the pro-choice movement of ignoring "the facts of life before birth now that science and technology make clear that the being killed by abortion is a human being." That would be an argument against abortion rights, and I was not in the business at APSA of making any such argument or its opposite. I was doing what I always do: explaining how arguments work.

I am particularly distressed at the inaccuracy of your account because, as I tell many people, THE WEEKLY STANDARD, to which I am a loyal subscriber, is my favorite magazine.

STANLEY FISH
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PROFESSOR OF LAW
EXECUTIVE DIRECTOR,
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ASSOCIATE VICE PROVOST,
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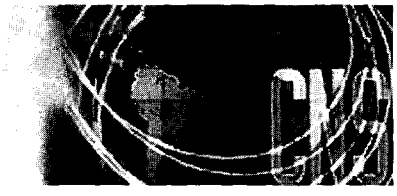

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Casual

Sex and the Single Swede

Last Sunday, I took about the longest cab ride one can possibly take in Paris: from the Porte d'Auteuil (practically Brittany) to Roissy (practically Belgium). As soon as the cabbie picked up on my American accent (halfway through the word "*Bonjour*"), he decided to devote our 45 minutes together to Monica Lewinsky. This was less interesting than it might have been. My opinion of the matter tends to be congruent with the French one—the *vive-la-différence*, "your-so-called-free-country" opinion so widely lampooned in the American press. Still, I tried to explain that the Starr proceeding was neither illegal nor illogical.

"Look," I said in halting French, "although the president shouldn't be impeached, one can't deny that he's acted like a . . . like a . . . what's the word in French?"

"*Un homme*?" my friend suggested helpfully.

So there we were at the unbridgeable divide. But once we hit it, I had a thought: Isn't it Americans who are supposed to be the hedonists and Europeans the prudes? Under the mythology I grew up with in the 1970s, Europe was romantic, but the United States was sexual. Europe was Chanel No. 5 and necking on the Bridge of Sighs; America was Erica Jong and Plato's Retreat. If what Europeans are now doing is tolerating anything-goes sexuality, then they're not acting like Europeans—they're acting like Americans in the Age of Disco.

We, on the other hand, are behaving like bloodless European socialists of yore. Here I'm thinking of the Swedish exchange program we had at my high school north of Boston. This was 1975. Just south of us, in the imploding shoe-factory town of Lynn, the two high schools were suddenly so full of Puerto Ricans and Dominicans that our baseball team didn't win a game against either of them for a decade. In Boston, attempts to bus blacks into Italian and Irish neighborhoods led to riots and bombs. So our rich and progressive school board decided to share the burden of integrating society—by accepting 20 students from the richest suburbs of Stockholm.

Sweden at the time was associated with beer, pornography, and suicide. Two dozen Swedes could wreak moral havoc on a high-school class, or so we hoped. I remember sitting around with my tenth-grade chums in the waning days of summer, having a conversation that went something like this:

"Buncha kids comin' from Sweden this year."

"Yeah. Pot's legal over there."

"Yeah, prostitution, too."

"Yeah, and ya can go to the beach naked, too."

Maybe Swedes over there flocked to nude beaches and sex shops. *Our* Swedes must have gone through some stick-in-the-mud vetting. The boys were diligent, unironic, and dumb—this last failing disguised by their near-total failure to learn English. The women were all blocky farmer's daughters, whose sensuality began at Yodels and ended at Devil Dogs.

One particular dance in the high-school gym illustrated the sexual backwardness of the Euros. Lars Petersen, a slow-witted and gangly soccer player, wanted to dance with Amy Schneider. He went up to Hector Bolkonsky, the school's four-letter hero-athlete (and, perforce, its most wanton jerk) to ask if Hector thought Amy would dance.

"Oh, she's got a big crush on you."

"What is crush?"

"She wants to sleep with you."

"Sleep with *me*?" (A reasonable question. How was Lars to know how cool it was to be Swedish?)

"Yeah. Now, listen, Lars. You ask her to dance. If she says yes, that means she wants you to make a pass at her."

"What should I pass her?"

"*Kiss* her. Right on the gym floor. Don't be shy."

"Oh, I wouldn't want to do that."

"It's bad manners if you don't. And if she says 'Thank you' after the dance, then you must try to take her shirt off."

"Must?"

"Must. It's an insult if you don't. Her father'd prob'bly kill ya."

Lars and Amy stepped onto the floor for a slow-dance, and Hector called the tenth grade up into the bleachers to witness the scene. It was an ugly one, with two results: first, hilarity from all of us gathered in the bleachers, through which was vented—almost volcanically—all our resentment at our Swedish classmates' failure to entertain us; and second, once Lars had explained himself to Amy, an enmity between Hector and Amy that lasted for the rest of high school.

This last was wholly unnecessary, as Amy had a reputation for being quick to forgive. But Hector was always kind of an angry fellow. Right now he's probably throwing shoes at his television set, screaming about how Clinton has corrupted America's youth.

Christopher Caldwell

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Foreign Policy and the Republican Future (II)

A month ago, we noted in this space the obvious fact that Bill Clinton's foreign policy is in tatters. We urged Republicans in Congress to put forward an alternative vision and strategy for the nation. That vision and strategy, we further argued, should be a Reaganite one, organized around the principles of military strength, morality, and mastery ("Foreign Policy and the Republican Future," September 7).

The bad news is that things have gotten worse for American foreign policy over the last month—continued retreat in Iraq, inaction in the Balkans, drift elsewhere. The good news is that Republicans have begun to rise to the challenge before them.

Military strength. Last Tuesday's extraordinary hearing of the Senate Armed Services Committee, in which the Joint Chiefs belatedly "discovered" that current spending levels are entirely inadequate to maintain military capabilities and defend American interests around the world, was a watershed. Sustained pressure from Republican senators has forced the service chiefs to admit that they will need substantial increases over the current $270 billion defense budget. Republican senators, led by majority leader Trent Lott, are now committed to pushing for a serious boost in military spending next year. And few Republicans any longer cling to the conceit that the basic problem is that we are "overcommitted" around the world. They understand that the real problem is that we have foolishly squandered the military power built up in the Reagan era, with direct and dangerous consequences for American interests and the world.

Morality. The immediate challenge is in Kosovo, where repression and ethnic cleansing sponsored by Serbia's Slobodan Milosevic have once again raised the specter of genocide in the heart of Europe. This is not only a moral but also a strategic challenge: Are we, with our NATO allies, actually able to maintain stability on the European continent? For six months, the Clinton administration has degraded American credibility with hollow threats of action to stop Milosevic's offensive. Now Republicans, led by Bob Dole and John McCain, are rallying support for decisive NATO military action. Such action should not be confined to pinprick air and cruise-missile strikes against a handful of targets in Kosovo. Any serious military response should inflict severe damage on Milosevic's military machine in Serbia, with the ultimate goal of weakening his grip on power in Belgrade.

In the past, some Republicans have shied away from the use of force in the Balkans. And it is not easy to support military action by this administration, given its track record. Even now, there is reason to fear that the Clinton administration is prepared to cut a last-minute deal with Milosevic that will permit him to consolidate his ill-gotten gains in Kosovo. Republicans should stake out a clear position that what is needed is not just the "threat of force"—as the administration prefers—but the actual use of force against Milosevic, before he comes with his latest deal in hand.

Mastery. On August 5, Iraq suspended all meaningful U.N. inspections aimed at uncovering its programs for developing weapons of mass destruction. Of all the instances of Clinton-administration dithering and dissembling, this is the most dangerous. In no other area has it been more important for Congress to step forward and try to force action. And now, members of Congress are doing just that. Lott and congressman Ben Gilman introduced legislation in both houses last week to provide the Iraqi opposition with almost $100 million in military equipment so they can establish control of "liberated zones" in Iraq and, ultimately, undermine Saddam Hussein's power.

Meanwhile, in the Senate a letter signed by Democrats Carl Levin and Joseph Lieberman and Republicans John McCain and Kay Bailey Hutchison urges the president "to take necessary actions (including, if appropriate, air and missile strikes on suspect Iraqi sites) to respond effectively to the threat posed by Iraq's refusal to end its weapons of mass destruc-

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tion programs." Republicans (and Democrats) should rally behind this effort and thereby deprive the president of any excuse that he lacks congressional support for doing what needs to be done in Iraq.

Failure to act decisively on Iraq would stand as a dramatic abdication of American responsibility to prevent aggressive dictators from acquiring weapons of mass destruction. Either Saddam is allowed to acquire weapons of mass destruction or he isn't. As we wrote a month ago, "there is no middle ground between a decline in U.S. power, a rise in world chaos, and a dangerous twenty-first century, on the one hand, and a Reaganite reassertion of American power and moral leadership, on the other." Iraq is *the* test of whether we can reverse our current failed foreign policy and establish a policy of American leadership and, yes, mastery.

We hope that Republicans will make foreign and defense policy an issue over the next month in the congressional elections. But national security is above all a presidential responsibility. The first question for every prospective Republican and Democratic candidate for president should be: How do you plan to reverse the dangerous decline in American military power and international leadership? In the meantime, in light of the Clinton administration's unfortunate failure to advance U.S. interests, it falls to the Republican Congress to do so.

—*William Kristol and Robert Kagan*

THE TRUTH ABOUT PERJURY

by Thomas W. Kirby

BESIDES FINDING NEW DEPTHS OF MEANING in the words *is* and *alone*, President Clinton has enlivened public discourse with his distinction between *legally accurate* and *true*. "Legally accurate" is his euphemism for testimony that is not false in the sense required for a perjury conviction. Thus, the president claims that, although he had sexual contact with Monica Lewinsky, it was legally accurate for him to deny the sex under oath, because he was really just outsmarting hostile lawyers who didn't know how to word their questions. This may be talented advocacy, but it is bad law.

President Clinton's claim to legal accuracy rests on a few phrases lifted from a 1973 Supreme Court case, *U.S.* v. *Bronston*. But the president and his defenders exaggerate the applicability of that case to his testimony. According to *Bronston*, there can be no perjury if the only reasonable meaning of a person's words is "literally true." It's tough luck for prosecutors if (as happened in *Bronston*) they draw false conclusions from true testimony.

On the other hand, if a witness's words are reasonably capable of communicating something false, they may well be perjurious. And that is a fair description of the testimony that President Clinton gave in Paula Jones's sexual-harassment suit. When he denied having sexual relations with Lewinsky, his words could reasonably have meant something false. Indeed, the most natural meaning of what he said to Jones's lawyers is something false, and the context shows that a false meaning was intended.

THE PRESIDENT'S DEFENSE IS THAT, CAREFULLY PARSED, HIS DENIALS OF SEX HAVE A MEANING THAT IS TRUTHFUL. THIS IS NOT A NEW ARGUMENT.

The president's defense is that, through careful parsing, his misleading denials of sex can be shown to permit a narrow meaning that is truthful. This is not a new argument. In 1974, Watergate defendant Dwight Chapin appealed a perjury conviction with the same argument, also based on an optimistic reading of *Bronston*. The U.S. Court of Appeals rejected Chapin's reliance on *Bronston* and sent him off to prison for ten to thirty months. It held that a "defendant's assertion that he had an unusual meaning in mind" did not protect him from a perjury conviction. Chapin's petition to the Supreme Court was denied, based on an opposition filed by Charles F.C. Ruff, then a Watergate special prosecutor and now President Clinton's White House counsel.

A closer look at the two cases shows that President Clinton's testimony and defense are startlingly similar in form to those of Dwight Chapin and bear little relation to Samuel Bronston's.

The *Bronston* case arose from a bankruptcy proceeding, during which Bronston was asked whether he had any Swiss bank accounts. He replied: "The company had an account there for about six months." When prosecutors later learned that Bronston had

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personal Swiss accounts, the government successfully prosecuted him for perjury, and he appealed.

The government argued that Bronston's nonresponsive answer made it natural to assume he had no personal Swiss accounts. The Supreme Court was unimpressed. It pointed out that Bronston had given clear notice that he was limiting his answer to company accounts. If the lawyers were misled, it was because they were asleep at the switch. In such a situation, the remedy was "precise questioning" rather than a perjury prosecution.

Bronston's words—"the company had an account there"—were both truthful and had only one reasonable meaning. More often words have a range of possible meanings. That does not mean, however, that all statements built of such words are fatally ambiguous. To the contrary, ordinary people rely on context to identify the message that words are intended to convey, and so do federal courts. The courts have held that a statement is false if (1) the words used were reasonably capable of communicating a false message, (2) the false message in fact was communicated, and (3) the witness intended to communicate the false message.

"INGENIOUS SCRUTINY AFTER THE FACT" IS NO DEFENSE AGAINST PERJURY, WHITE HOUSE COUNSEL CHARLES F. C. RUFF ONCE ARGUED.

The issue of intent is important, and it is proved circumstantially. If the witness really intended the words to communicate a true message, the fact that they were perceived in another way does not justify a perjury conviction. On the other hand, if the witness intended his words to convey a false message and they did so, he has perjured himself—notwithstanding his belief that the words in isolation could also be shown to have a meaning that is technically accurate.

Nixon White House aide Dwight Chapin learned this lesson the hard way. Chapin had recruited Donald Segretti to carry out "political pranks" that would disrupt the 1972 Democratic presidential nominating process. As Ruff later explained to the Supreme Court in his filing against Chapin: "It was hoped that the dissention [caused by the pranks] would prevent the Party from coalescing behind its eventual nominee." For example, Segretti faked a letter "on the stationery of Senator [Edmund] Muskie charging that Senators [Hubert] Humphrey and [Henry] Jackson had been involved in sexual misconduct."

After the Watergate burglary, Segretti's name was found in G. Gordon Liddy's address book. One thing led to another, as it often does, and Chapin eventually found himself before a grand jury where he gave the following testimony, for which he was convicted of perjury:

> Q. To your knowledge did Mr. Segretti ever distribute any statements of any kind, or any kind [sic] or any campaign literature of any kind?
>
> Chapin. Not that I am familiar with.
>
> Q. Did you ever express any interest to him, or give him any directions or instructions with respect to any single or particular candidate?
>
> Chapin. Not that I recall.

Chapin appealed his conviction, arguing that the questions were ambiguous and that, as he understood them, he had answered truthfully. He said he understood the first question to be asking whether Segretti personally handed out campaign literature, as opposed to having someone else distribute it. He construed the second question to be asking whether he had ever instructed Segretti to zero in on one candidate to the exclusion of others. If the questions were understood in this way, Chapin asserted that his answers were, to borrow President Clinton's phrasing, "legally accurate."

The Court of Appeals disagreed. It allowed that, if the testimony were viewed in isolation, the words Chapin used reasonably could have the narrow meanings that he asserted. It also agreed that, if the testimony had those meanings, the government had failed to prove perjury. Nevertheless, citing *Bronston,* the court upheld Chapin's perjury conviction, and the Supreme Court denied Chapin's petition for review.

The Court of Appeals explained that, in addition to the narrow meanings assigned by Chapin, the words he used were reasonably capable of broader meanings that the government had proved were false. For example, Chapin knew that Segretti had caused literature to be distributed, whether or not Segretti had actually handed it out himself. Similarly, Chapin had given instructions concerning individual candidates, even if several candidates were discussed in the course of his conversation with Segretti.

The key question, according to the court, was whether the jury had a reasonable basis for concluding that the broader false meanings were the ones Chapin intended and understood at the time. It found that a common-sense evaluation of the context of the testimony provided a fully adequate basis for the jury to

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convict. For example, when Chapin testified to the grand jury, he knew that its interests were broad, and he had no reason to give the questions a narrow meaning that would deprive the grand jury of information he knew it wanted. Also, Chapin "would not have responded so equivocally" if he really had thought the questions were narrow. Thus, the jury had properly used its common sense to find "that Chapin's answer was knowingly false under the only reasonable interpretation of the question."

In opposing Chapin's request for Supreme Court review, Special Prosecutor Ruff argued that Chapin had "falsely minimized his involvement with Segretti" in matters such as "the so-called 'sex letter.'" He said the case might be more difficult if Chapin had advanced a "possible-and-reasonable interpretation." The Court of Appeals was "clearly correct," however, that "in the context of the purpose of the grand jury's investigation, which was known to Chapin, and the series of questions asked," Chapin's interpretation was not "reasonable." A possible but unreasonable interpretation was no defense.

Ruff further pointed out that accepting Chapin's argument "would bar all perjury prosecutions, because almost any question or answer can be interpreted in several ways when subjected to ingenious scrutiny after the fact." Chapin's conviction, Ruff concluded, was "fully consistent with . . . *Bronston*" and did not "raise any novel or complex legal issues."

The analogies to President Clinton's situation are striking. There is no real dispute that the words he spoke under oath were capable of communicating broader meanings than he now says he intended. Nor is there doubt that those broader meanings were false. For example, his denial of a "sexual relationship" could quite reasonably be understood to deny his interactions over the course of two years with Monica Lewinsky.

And as in *Chapin*, the context of the president's testimony shows that the broader meanings were intended and understood. For example, President Clinton knew that the Paula Jones case rested on allegations that he had asked Jones for oral sex. To argue that the president was not asked about the form of sex that the case focused on is precisely, as Ruff put it two decades ago, to subject Clinton's deposition "to ingenious scrutiny after the fact."

Even if the president believed it possible that the legalistic definition of sex used for his deposition (and limited by the judge to save him embarrassment and to protect the dignity of his office) could be interpreted narrowly to exclude oral sex, nothing suggested that such a narrow meaning was reasonable. He said nothing to signal that he was using such a meaning, and he did not expressly limit his testimony as Bronston did. Indeed, in his August grand-jury testimony, the president admitted that he was not interested in communicating clearly. Finally, as was true of Dwight Chapin's perjurious statements, the president's testimony contains ambiguities and evasions that would not have been necessary if he had really believed that the questions had the limited meaning he now asserts.

In short, as White House counsel Charles F.C. Ruff once correctly pointed out, a "possible" true meaning of one's words does not mean one has not committed perjury if every "reasonable" meaning is false. If President Clinton had an "unusual meaning in mind" when he testified, it is not a get-out-of-jail-free card. Just another feeble excuse.

Thomas W. Kirby is a litigator and federal election lawyer with a Washington, D.C., firm. The views expressed are his own.

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Dems on the Spot

by Matthew Rees

House Democrats face their most politically charged vote in years this week: whether to support a Republican-sponsored resolution authorizing an inquiry into President Clinton's impeachment. Yet relations between the Democrats and the White House are so strained that Clinton officials weren't even lobbying House members last week to vote against the resolution. How come? "We don't have a lot of credibility right now," admits a White House aide.

The chasm between the White House and Hill Democrats was on display October 2, when Judiciary Committee Democrats announced their own plan for a resolution authorizing an impeachment inquiry. The Democratic resolution, which includes limits on the length and scope of the inquiry, was a response to the open-ended Republican proposal released two days before. But it also reflected a recognition that Democrats can't afford to be on record opposing an inquiry altogether. And John Conyers, the Judiciary Committee's senior Democrat, makes clear that he won't welcome White House efforts to build support for the Democratic resolution: "Members are perfectly capable of coming to their own conclusions," he told me.

The liberal Conyers is hardly a barometer of House Democratic opinion, but his statement underscores that the White House's decision not to lobby was one of its smarter moves to date. Indeed, House Democrats, both friendly and unfriendly to the president, say that any White House-driven effort to build opposition to the inquiry could backfire. They also say that the vote will be a personal decision, and that with the midterm elections just around the corner, the members' dominant concern is their own survival, not the president's.

There's no expectation the Democratic resolution will prevail, either in the Judiciary Committee or on the House floor. Thus the question is how much Democratic support there will be for the Republican resolution. Predictions are all over the map, and both sides are, predictably, playing games with how many votes they expect (Republicans are lowballing; Democrats are highballing). The only consensus is that the vote will be viewed as bipartisan if the GOP resolution is supported by more than 75 Democrats in the full House. Similarly, support from fewer than 50 Democrats will help the White House in its continuing campaign to tar the inquiry as a Republican witch hunt.

A perception of overreaching by Republicans has helped unify House Democrats, but some of last week's events only increased the Democrats' distance from the White House. First, James Carville appeared on *Meet the Press* to announce he was opening a new front in his total war—against Speaker Newt Gingrich.

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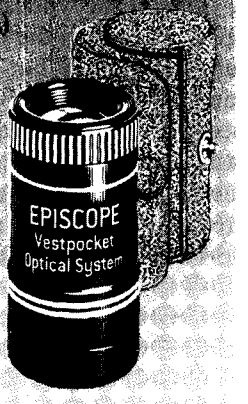

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House Democrats weren't happy with the bombast and protested to White House officials. A couple of days later, a coalition of unions and liberal activists was reported to be planning a multimillion-dollar television effort in support of Clinton and against Republicans. Once more, congressional Democrats complained to the White House, charging that such a drive would siphon away much-needed campaign funds. Top Clinton aides Erskine Bowles and John Podesta were dispatched to meet with Dick Gephardt and Tom Daschle, Democratic leaders on the Hill, to soothe tensions and assure them the White House wouldn't be supporting the ads.

The Democrats' greatest woes may result from a clever move by Henry Hyde, the Judiciary Committee chairman. Gephardt and Conyers had in recent weeks been calling on Republicans to use the rules set for the Watergate deliberations as a model when drawing up their resolution of inquiry. Hyde promptly did exactly that, using the 1974 resolution almost word for word. Democrats complained that Hyde's resolution contained no limits on either the length of the inquiry or its scope. Neither, however, did the Watergate resolution. Conyers and White House officials were left mumbling, and Republicans jumped at the chance to spew out press releases highlighting Democratic hypocrisy.

One of the wildcards this week will be Gephardt. He signed off on the move to craft a Democratic resolution of inquiry, but he's been silent on the Republican proposal (David Bonior, the Democratic whip, has been the White House's chief ally). There were reports last week that Gephardt would begin working against the GOP proposal, but even if he does, his colleagues are not going to take his protests of Republican unfairness as a signal that he expects them to march in lockstep against the Republican resolution.

The other wildcard in this week's vote will be public opinion. A late-September ABC News/*Washington Post* poll of likely voters found 53 percent supporting impeachment hearings, though 55 percent said those hearings should conclude by the end of the year. The same poll also found 27 percent saying a candidate's support for impeachment would make them more likely to vote for that candidate, while 33 percent said it would make their support less likely. If those muddled numbers turn in the GOP's favor this week, look for more and more Democrats to support the Republican resolution.

Clinton officials are, of course, still hoping for a massive Democratic vote against the Republican resolution. The one administration figure known to have lobbied against it is Hillary Rodham Clinton, who according to the *Washington Post* told Rep. Patrick Kennedy that "to proceed with what has already become a bogus process would itself be bogus" (he promptly came out against any impeachment proceedings). But a different, and more public, message was conveyed by Mike McCurry, the presidential spokesman. He signaled during a September 30 briefing that the White House understands House Democrats may be forced to vote for impeachment hearings. "I don't think we would be in a good position to take much issue with that," he said. "I mean, we'd have to acknowledge that people might have a different way of looking at the same set of facts."

This burst of candor wasn't entirely appreciated by McCurry's colleagues. Not that it mattered much to him—his last day on the job was Friday.

Matthew Rees is a staff writer for THE WEEKLY STANDARD.

POLLS APART

by Michael Barone

START WITH THIS ANOMALY: Most Americans say they oppose impeaching Bill Clinton, yet almost all signs point to a victory in the November 3 congressional elections for the Republicans, who are more likely to vote for impeachment. The explanation lies in turnout: All the evidence we have from recent polls and from August and September primaries indicates that core Republicans are much more likely to go to the polls than core Democrats.

This is not the typical pattern. In most elections, people who vote scarcely differ in party preference from people who don't. But this year—even after the supposed Clinton uptick following the release of the videotape of the president's grand-jury testimony on September 21—the difference between all adults or all registered voters and likely voters is greater than I can remember in 25 years of watching polls.

This year, the more intense a person's engagement with politics, the more likely he is to say he'll vote Republican. Since 1974, only about a third of those eligible have gone to the polls in off-year congressional elections, and among this group the Republican edge increases the more committed the respondents are to participating in politics.

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Thus, in the September 22-23 *New York Times*/CBS News poll, among all registered voters, Republicans trailed in the generic House vote—Which party's candidate will you vote for?—by 39 percent-44 percent. Likely voters (who say they will definitely vote, are paying attention to the campaign, and voted in either 1994 or 1996) gave the Republicans a statistically insignificant advantage, 44 percent-43 percent (mirroring the 1996 House-election result, 49 percent-48.5 percent Republican). But among *more likely* voters (who say they will definitely vote, are paying attention, and voted in *both* 1994 and 1996), the Republican margin was 50 percent-41 percent. And among the *most likely* voters (who say they will definitely vote, are paying *a lot* of attention, and voted in 1994 and 1996), the margin was 53 percent-41 percent Republican. Translated into popular votes, that last would produce a Republican majority larger than any since the 1920s.

Similarly, the ABC News/*Washington Post* survey conducted September 25-28, while the Clinton White House was crowing about its recovery, showed all adults favoring Democratic House candidates by 51 percent-42 percent, but likely voters favoring Republicans 49 percent-46 percent—very similar to the lead Republicans held among likely voters at this stage in 1994, when they would go on to carry the House vote 52 percent-45 percent. In this survey, all adults opposed impeachment hearings by 55 percent-42 percent. But likely voters favored hearings by 53 percent-45 percent. Still further confirmation: The CNN/*Time* poll of September 23-24 showed registered voters favoring Democratic House candidates by 48 percent-41 percent, but likely voters favoring Republicans 49 percent-45 percent.

This pattern is repeated in recent polls in the California and New York Senate races. The *Los Angeles Times* poll showed Democratic incumbent Barbara Boxer ahead by 47 percent-39 percent among all voters. But among likely voters, Republican Matt Fong led 48 percent-43 percent. The *New York Daily News*/WABC poll showed Democratic congressman Charles Schumer leading Republican incumbent Alfonse D'Amato by 50 percent-43 percent among all voters. But among likely voters D'Amato led 49 percent-46 percent.

Yet more corroboration comes from actual turnout in primaries. Earlier this year, I advanced the hypothesis that the Clinton-Lewinsky scandal would reduce turnout among strong Democrats, especially the feminist Left, which this decade has been the greatest source of energy, enthusiasm, and élan in the Democratic party (just as the religious Right has been in the Republican party). But when I looked at turnout in primaries from March to July, I found no such effect. In the August and September primaries I did.

In Colorado, which held seriously contested races in both parties' primaries for senator and governor on August 11, 61 percent of the two-party turnout was Republican, though only 53 percent of the two-party registration is Republican. The numbers were similar in Nevada and Wyoming. In New York, Democratic turnout for the September 15 primary to choose D'Amato's opponent was down 37 percent from the Democratic turnout for the same seat in 1992. In Florida down-ballot races on September 1, two-party

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turnout ranged from 48 percent to 52 percent Republican, while two-party registration is only 46 percent Republican. The Florida exit poll showed Republican gubernatorial candidate Jeb Bush leading Democrat Buddy MacKay by a whopping 58 percent-29 percent—the best poll result for Bush in the whole cycle.

There is no guarantee that this balance of intensity—with strong Republicans energized, and strong Democrats dispirited—will last through November 3. It evidently results from many core Republicans' feeling that Bill Clinton must not be allowed to evade what they deem the proper consequences of his (partially) admitted misdeeds—the same feeling that motivates the dozens of demonstrators who appear outside Clinton's public appearances with "Impeach" signs and spinach-dip-stained blue dresses. Core Democrats, by contrast, seem downcast—far from the "Yahoo! He's getting away with it!" mood many of them appeared to display from February to July.

An independent ad campaign proposed by People for the American Way seems designed to cheer up core Democrats; but it has been opposed by congressional Democrats, who want to see scarce money spent on their own campaigns rather than on a Clinton effort, as in 1996. Democrats will argue that Republicans' support for impeachment hearings springs from partisan animus, but this claim will be undercut if (as appears likely) any significant number of House Democrats vote for hearings. Certainly Democrats will make major efforts to increase turnout among core Democrats. But many core Democrats are black, and the interpretation of the Voting Rights Act supported by Democrats, while it has maximized the number of majority-black districts, has minimized the number of blacks in many marginal districts.

My guess is that the balance of intensity will not change much. If I'm right, the Republicans will make significant gains in both House and Senate. In fact, it may turn out that what we are witnessing in suppressed Democratic turnout is the disintegration of the feminist Left as a political force—just as, in 1974, the low Republican turnout after Watergate reflected the disintegration of the small-town Republicans, who had been Richard Nixon's base and who (with help from conservative southern Democrats) had maintained working control of the House almost without interruption since 1938. The feminist Left has had a shorter run, and its favorite candidates are obviously in trouble. Carol Moseley-Braun is running behind, Barbara Boxer says she's having difficulty raising money, Patty Murray is under 50 percent, and Geraldine Ferraro lost in a low-turnout primary.

More is at stake here than Bill Clinton's fate. Indeed, this election could produce a mirror image of the midterm election of 1974, when a disheartened Republican core did not turn out at the polls, and Democrats won one of the greatest victories in their party's history.

Michael Barone is a senior staff editor at **Reader's Digest** *and co-author of* **The Almanac of American Politics.**

Mrs. Smith to Washington?

by Fred Barnes

Seattle

Rep. Linda Smith of Washington drives Republican honchos crazy. She voted against Newt Gingrich's reelection as House speaker. She opposed the balanced-budget agreement in 1997 because it borrowed money from Social Security funds, and she voted against the $80 billion tax cut crafted by House Republicans in September for the same reason. After introducing legislation to curb the power of the Internal Revenue Service, she voted against IRS reform (she disliked an amendment limiting medical coverage for veterans who smoke). She bucked Republican leaders and voted for campaign-finance reform favored by Democrats. And then she feuded with Sen. Mitch McConnell of Kentucky, boss of the Senate Republican Campaign Committee, over taking money from political action committees. She doesn't, and she called him "one belligerent person who likes the laundering of money."

When Smith announced for the Senate in mid-1997, GOP congressional leaders were apoplectic. McConnell refused to meet with her, prompting Smith to issue a press release zinging him. Establishment Republicans searched for another candidate in the September 15 primary. But the likeliest opponent, Rep. Jennifer Dunn, had just been elevated to a House GOP leadership post. She declined. Finally, a wealthy ex-prosecutor from Seattle, Chris Bayley, jumped into the race. He injected $1 million of his own money, ran ads attacking Smith, and outspent her by more than 2-1 in the primary. Polls showed the race to be close. Smith is "very, very vulnerable," said Del Ali of the Mason-Dixon polling firm. Ali had to eat those words.

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Smith won by better than 2-1, defeating Bayley in each of Washington's 39 counties.

Now she takes on Democratic senator Patty Murray, a conventional, though pleasant, liberal. A state senator who dubbed herself "a mom in tennis shoes," Murray was elected in the so-called Year of the Woman, 1992. Like Barbara Boxer in California and Carol Moseley-Braun in Illinois, she cited the Senate's treatment of Anita Hill during the confirmation hearings on Clarence Thomas as a reason for her decision to run. (As tough as she was on Senate Republicans and Thomas then, Murray is merely "disappointed" with President Clinton's sexcapades today.) In the Senate, Murray instantly became a reliable liberal vote and supporter of Clinton's proposals. Republicans figured Murray would be difficult to beat whomever they nominated, and impossible to defeat if Smith won the nomination. Only Bayley had a chance, a senior member of the Washington congressional delegation told me. Wrong. By late September, two polls found Smith was running roughly even with Murray among likely voters.

This has changed GOP calculations for capturing the five seats needed for a filibuster-proof majority of 60 senators. Republican strategists had been focusing on six Democratic seats—California, Illinois, Kentucky, Wisconsin, South Carolina, and Nevada. Washington (along with Arkansas) had been relegated to the second tier. So far, McConnell's committee has given Smith less than $20,000. But that may change. Washington's senior Republican, Sen. Slade Gorton, says Smith's race is not top tier yet; one more poll showing her close or in a dead heat is needed to cinch that. But he expects McConnell, whose committee could provide in excess of $500,000, to give her more money. "I talk to Mitch every day," Gorton says. "He is totally ruthless. He has said he doesn't want to fund landslides, and he won't fund anybody who doesn't have a chance."

Smith has a solid chance and needs money. And Murray is in trouble. In Washington's blanket primary, incumbents are judged by how much they exceed 50 percent of the vote. In 1994, Gorton got 53 percent, then won the general election with just under 56 percent. Murray got an anemic 45.9 percent, though she spent several million dollars, mostly on TV ads, in the

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primary. Collectively, GOP candidates got 50 percent of the vote, Democrats 48 percent—another ominous sign for Murray. Smith beat Bayley by 32.3 percent to 14.9 percent.

Smith's greatest strength—her prickly, populist brand of conservatism—has a downside. She has few friends in big business, normally a Republican constituency. Smith won't take money from business PACs anyway, and she won't get many individual contributions from big-business types either. Says Gorton: "The Boeings and the Weyerhausers and the wheat exporters and Microsoft will all be on the other side, partly because they usually go with incumbents, partly because of trade." Smith, never reticent, has publicly chastised Boeing for contracting out airplane parts to China.

But it's her position on trade that really rankles. In this and on certain other issues—campaign-finance reform, the idea that the system in Washington, D.C., is corrupt—she reflects the views of her friend Ross Perot. "I've got his phone number, but I haven't talked to him recently," she says. Through an intermediary, Perot asked her to be his vice-presidential running mate on the Reform party ticket in 1996, Smith says, "but I said no." In Congress, she voted against most-favored-nation status for China and fast-track authority on trade agreements. And though the North American Free Trade Agreement passed before she arrived in Congress in 1995, she has become a fierce critic of it. Murray, on the other hand, is a free trader.

Linda Smith

Kent Lemon

Smith is hardly a down-the-line Perotista. On taxes and government spending and social issues, she's far more conservative than Perot or many Republicans. She's ardently pro-life, pro-school prayer, anti-gay rights, and so on. Her biggest achievements as a state senator were not legislative. Rather, she used Washington's initiative process in 1992 to enact paycheck protection, blocking unions from arbitrarily spending dues for political purposes. The next year, Smith spearheaded an initiative that holds down state spending and taxes.

Her willingness to go outside normal political channels, her reluctance to compromise, and her sometimes annoying style make people mad. Yet the state party, led by Gorton and Bayley, has rallied behind her. Gorton says he admires her sticking to principle in not taking PAC money, even though he thinks "it's a stupid principle." But Smith, married just before she turned 18 and a tax preparer for H & R Block for years, has never lost an election. She won what was thought to be a solidly Democratic seat in the state senate, got the GOP nomination for the U.S. House seat in southwest Washington in 1994 on a write-in, and was reelected in 1996 with the help of a late count of absentee ballots. Along the way, she has generated a reputation for being strong and independent. That's something money can't buy.

Fred Barnes is executive editor of THE WEEKLY STANDARD.

LAUCH 'N' LOAD

by Tucker Carlson

Greensboro, N.C.

WHEN SHE APPEARED on the *Today* show in January, Hillary Clinton outlined the parameters of the now-fabled "vast right-wing conspiracy." But she named only three actual conspirators, two of whom happened to be senators from North Carolina—Jesse Helms and Lauch Faircloth. (The third was Jerry Falwell.) All three are indeed conservative, but it is Faircloth, a 70-year-old craggy-faced hog farmer from rural Sampson County, who has a reputation for being the most avidly right wing. Or did.

Faircloth is now in a surprisingly close race for reelection. He is being challenged by a telegenic, 45-year-old attorney from Raleigh named John Edwards, and though the senator's ideas don't appear to have

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changed—deep down, say those who know him, he still makes Jesse Helms look like a liberal—his message has. By this point, North Carolina voters probably know Faircloth best not for his anti-Clinton plots, but for his passionate support of breast-cancer victims.

"For most people, a stamp is a way to send a letter," begins a Faircloth ad that has run extensively on the female-oriented Lifetime television network. "For one man, it's a way to provide hope." The ad goes on to tout Faircloth's vote in favor of a special postage stamp whose sale funds "research that means hope for the one out of every nine women in this country afflicted with breast cancer." The purpose of the ad isn't subtle, and Faircloth's strategists aren't shy about spelling it out. "We're trying to show people, especially women, that Lauch Faircloth is not an unreasonable guy," says one. "It did a lot of good for us. Tons. Tons. It's been one of the most successful spots in the campaign."

Maybe so. On the other hand, there are probably more effective issues Faircloth could be running on, beginning with his opponent's career as a trial lawyer. It's axiomatic among Republican political consultants that beating up on lawyers resonates with voters. "Few classes of Americans are more reviled and you should tap into people's anger and frustration with practitioners of law," wrote GOP pollster Frank Luntz in a dispatch to Republican candidates last year. "They truly are one group in American society that you can attack with near impunity."

Kent Lemon

Lauch Faircloth

If ordinary attorneys make good political punching bags—"Make fun of them mercilessly," advises Luntz—then John Edwards is the ripest possible target. During the 1990s alone, according to *Lawyers Weekly*, he has won more than $152 million in jury verdicts, mostly in medical-malpractice cases. Edwards appears to make a specialty of suing obstetricians ("His colleagues claim he can read a fetal heart monitor better than many physicians," according to the Raleigh newspaper), and it's not hard to imagine an effective Faircloth ad that links Edwards to the shortage of rural baby doctors, and otherwise characterizes him as an ambulance-chasing enemy of children's interests.

Such an ad probably exists in the minds of Faircloth's media consultants, but it has yet to be televised. "There are a lot of folks on the campaign," says a Faircloth adviser, "who think that if we hit him on being a trial lawyer, he brings in the little girl who got her intestines sucked out by the pool drain to show he's on the side of ordinary people. But he'll probably do that anyway. Every day we spend debating whether he's a good trial lawyer or a bad trial lawyer is a good day for us. It's like debating whether you're a good rapist or a bad rapist. Whatever happens, he's not a U.S. senator that day."

In interviews, Faircloth has criticized Edwards as a "rapacious," "fat cat" lawyer, but for the most part the race has remained oddly polite. Perhaps the most contentious issue to arise so far has been hog manure. Over the past decade, North Carolina has become the second-largest pork-producing state in the country, after Iowa. There are now more than 100 million hogs in North Carolina, about 14 per human resident. Each hog produces more bodily waste each day than four people combined, for a total of 10 million tons a year, much of which ends up in stunningly rank sewage "lagoons" that periodically leak into rivers and streams.

You don't have to be a wild-eyed environmentalist to have concerns about hog farming in North Carolina, and many voters do. Faircloth, as it happens, is North Carolina's fifth-largest hog producer, with an estimated 300,000 hogs (estimated, because Faircloth doesn't like to discuss the details). Though his hog operations have rarely been cited for environmental violations, a number of conservation groups in the state have held press conferences and run ads to denounce Faircloth as a despoiler of nature. It's not clear what effect the negative publicity has had, though Faircloth staffers don't seem worried. "One of the benefits of the Clinton scandal," says one, "is that

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it takes a hell of a lot to shock people these days. It takes . . . hell, I don't know what it takes. You've probably got to get caught screwing a hog with a cigar to shock people in North Carolina."

Faircloth is doing his best not to shock anybody. The only member of the Senate without a college degree, he has cultivated an image as a plainspoken country boy ("My town is so rural," he often says, "even the Episcopalians handle snakes") with a Scottish dedication to frugality. And from all accounts, it's more than an image.

THE ONLY MEMBER OF THE SENATE WITHOUT A COLLEGE DEGREE, HE HAS CULTIVATED AN IMAGE AS A PLAINSPOKEN COUNTRY BOY.

Despite his enormous net worth, Faircloth apparently resists spending money on just about everything, including plane tickets back to North Carolina. Instead, each weekend he drives five hours home in his Chevrolet Caprice. When he stops for the night, it is in the cheapest possible hotels. When his tires go bald, he has them retreaded. "When he buys pants," says his media consultant, Alex Castellanos, "and I think he gets them out of a catalog, he has them cut to size and he saves the cuffs. Then when he wears out the seat, he uses the material to patch them." The walls of Faircloth's office in Washington are almost completely bare. The senator says he doesn't decorate because his real home is in North Carolina. Privately, his staff suspect he doesn't want to buy pictures. And while his attempts at breast-cancer activism may ring false, Faircloth's campaign slogan, with its strains of Depression-era thrift, seems utterly fitting: "America's Most Practical Senator."

If there's one group that likes a practical senator, it's businessmen, and Faircloth appears to have their full support. A Faircloth fund-raiser held in Greensboro in late September drew business leaders from all over the state, including the heads of NationsBank and the Food Lion grocery chain. The campaign raised more than $500,000 in one night. After dinner, Faircloth rose to thank his supporters. He spoke briefly about the importance of business in America, then sat back down. The audience clapped politely.

Then Charlton Heston took the podium. After a summary of Faircloth's achievements in Washington, Heston got to the point. His voice modulating from a whisper to a yell, he spent the next 20 minutes reciting from memory the last three chapters of the Book of Deuteronomy. By the time he reached the description of Moses' final days—"no man knoweth of his sepulcher unto this day"—he appeared to be weeping.

It never became clear why Heston decided to launch into a dramatic reading of the Bible, or what exactly Moses had to do with Lauch Faircloth's bid for reelection. But the crowd didn't seem to care. They cheered wildly. Like the rest of Dixie, North Carolina is changing, becoming more modern, sophisticated, ripe for candidates like John Edwards. But it hasn't changed all that much. Voters still like to hear old-fashioned revival talk. And in Greensboro, it took a Yankee actor to provide it.

Tucker Carlson is a staff writer for THE WEEKLY STANDARD.

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ATONING WITH TONY

Bill Clinton's Confessor

By Andrew Ferguson

"Emotion is what life is all about for me," Tony Campolo has written, as if we couldn't have guessed. Though he is a large and consequential figure in evangelical circles, the wider world was unfamiliar with Campolo until September 11, when television cameras broadcast pictures of him wracked, doubled over, by heaving, shuddering sobs. He was in the East Room of the White House at the time, with an omelet cooling on the plate in front of him, as President Clinton delivered his famous I-have-sinned apology to a breakfast gathering of friendly, handpicked "spiritual leaders." The leaders responded to the president with a unanimous standing ovation, and even a smattering of shouted "amens," but only Campolo went the whole hog and broke down—emotion being, as he says, what life is all about.

TONY CAMPOLO'S FAME COMES FROM HIS DAZZLING POWER AS A MOTIVATIONAL SPEAKER AND HIS FECUNDITY AS AN AUTHOR.

Viewers didn't know it then, but a few days earlier, the president had called Campolo and another well-known evangelical, Gordon MacDonald of Lexington, Massachusetts. When he made the call, on Labor Day evening, Clinton's escalating round of apologies had been receiving bad reviews, owing partly to a certain—how to put it?—Clintonian quality ("I take full responsibility for my self-inflicted wounds," he slyly said in one plea for forgiveness). He asked MacDonald and Campolo to form a kind of pastoral tag team to help him through the difficult days ahead. They met with him before the nationally televised prayer breakfast, and the president's elegantly turned apology was the result.

Campolo says he wants to keep his pastoral relationship with the president private, and except for issuing a press release about it, appearing on ABC's *20/20* with Diane Sawyer, and making other comments, he has stuck to his word. Campolo and MacDonald have allowed that their counseling of the president will be arduous, searching, and confrontational, in the evangelical tradition.

"When we're down there with the president," Campolo told ABC, "we're not just going to walk in and do a 15-minute, 'How you doing? Here's a verse of Scripture. A verse a day will keep the devil away.' We won't let him off that easily. We will, in fact, confront him in the name of Jesus."

"We've seen him yell at us," Campolo went on, "when we have come on so strong that he ended up yelling at us. And that's not an easy thing. You know, to have the president of the Unites States yelling at you. That's when conversations become real, isn't it?"

Of the two pastors, MacDonald seems the better suited to the work of shepherding philanderers, having written widely on the subject and, indeed, having been one himself. His book *Rebuilding Your Broken World* counsels others to consider his example. When he was caught in an adulterous romance with a congregant in the 1980s, MacDonald removed himself from his post and spent two years submerged in various forms of penance before returning to his vocation, a chastened and presumably wiser man.

Sorry as he is, the president is unlikely to go *that* far; there's the work of the American people to consider, after all. Here's where Tony Campolo can be useful. Campolo is a sociologist by training—he teaches at Eastern College in Pennsylvania—and a political activist by inclination. His fame among evangelists springs from his dazzling power as a motivational speaker and his fecundity as an author. He does 400

Andrew Ferguson is a senior editor of THE WEEKLY STANDARD.

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speaking engagements a year, and his books now total upwards of 25. The book titles give the flavor of his appeal: *Is Jesus a Republican or a Democrat?*, *How to Be Pentecostal Without Speaking in Tongues*, *Twenty Hot Potatoes Christians Are Afraid to Touch*, and *The Kingdom of God Is a Party*.

In person and on the page, Campolo conveys enormous energy and cheerfulness. He's a kind of Leo Buscaglia with Biblical citations. Like the late Hug Doctor, he is given to extravagant physical gestures. "When I walk into the Oval Office," he has said, "I never shake hands with the president. I always hug him. Because he needs to be hugged." Campolo has the popularizer's knack for combining anecdote, truism, and slight observation as a means of trivializing the most sacred questions of human existence and making them digestible for the hungry hordes. His books are featherlight—happy pills for the brain. In this he is indistinguishable from dozens of other road-show spiritualists. What sets Campolo and his books apart—what has drawn the president's attention, and what has troubled many of his fellow evangelicals—is his politics.

IN CAMPOLO, THE PRESIDENT HAS FOUND A SOULMATE: EMPHATIC ON SECONDHAND SMOKE, RUMINATIVE AND RESTRAINED ON ABORTION.

Campolo, who is 62, ran unsuccessfully for Congress from his native Philadelphia in the early 1970s. He ran as a McGovern Democrat, and he remains one to this day, with modifications appropriate to the Clinton era. Much of his analysis of our basic social ills carries a strong whiff of the faculty lounge, where the spirit of Herbert Marcuse continues to hover menacingly. Our fundamental problem is acquisitiveness, which in turn is induced by dark forces of meretricious advertising that we are powerless to resist. "It is advertising," he writes in *Carpe Diem*, "that has made the gratification of artificially created wants more important than the satisfaction of our real needs. It is advertising that psychologically conditions us to sacrifice intimate relationships as we invest our time and talent just to get the stuff we are deceived into thinking we have to have."

Translated into practical politics, however, this radical critique turns out to be rather toothless—Clintonian, even. When Campolo discusses welfare reform, for example, he approvingly cites the work of Charles Murray. "We need a new kind of politics in America," he writes, "that will refuse to buy into the party labels of the past. . . . If we are to be truly Christian, we must transcend such doctrinaire ideological approaches to the issues of the day." Thus his answer to the question in his book title—*Is Jesus a Republican or a Democrat?*—is, reassuringly, Neither. Amazingly, though, He does seem to agree with Tony Campolo on just about everything.

Campolo is theologically orthodox, in that he believes in the literal truth of the Bible, the Virgin Birth, the bodily resurrection, and so on. Even so, in 1985 he was placed in the dock for a "heresy trial" by the Christian Legal Society. Campolo cooperated with the four-member panel, which cleared him of heresy but nevertheless scolded him for "some involuntary unorthodoxies of substance as well as some calculated unconventionalities in presentation." (It is disconcerting to discover that even conservative evangelicals talk this way.) Where Campolo is truly unorthodox is in his strange inversion of the traditional social concerns of evangelicals.

His current fascination is with gay rights. He acknowledges that homosexuality is, in his delicate phrase, "contrary to Scripture," but vehemently endorses the agenda of gay activists, short of homosexual marriage—a self-contradicting straddle that serves as a Biblical equivalent to the president's incoherent policy of "Don't ask, don't tell." In his books and public pronouncements he declines to dwell overlong on the subject of abortion, and his criticism of the president's support for partial-birth abortion was muted. Unlike most evangelicals, he sees abortion as one "life" issue among many.

"You're not pro-life if you're not talking about guns," Campolo said a while back. "If you're going to be pro-life, you ought to not only have a discussion about abortion, you also have to have a discussion about tobacco."

Tobacco is a particular Campolo obsession. He has written that secondhand smoke is as dangerous as firsthand smoke, even that it causes mental retardation. "Christians have an obligation to organize and put pressure on state and national legislators to pass more controls on smoking," he writes. "In reality, smoking should be illegal. . . . Smoking is not just a bad habit. It is a work of the Evil One that must be destroyed." This lack of equivocation is all the starker placed alongside a typical comment about abortion, from the same book: "When all the pros and cons on this issue have been heard, I argue that it is safest to adopt a pro-life position."

The president, in other words, has found a pastoral

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soulmate: absolutely emphatic on matters of secondary importance, strangely ruminative and restrained on the issues of urgent moment to their fellow Baptists. The two first met at a conference on inner-city troubles in 1993, and the friendship blossomed thereafter, as the president tried, with some success, to shore up support among evangelicals.

Throughout Clinton's first term, Campolo visited the White House often, earning a mention—"my good friend Tony Campolo"—in the 1994 State of the Union address. The president asked his friend to speak at a church service the morning of his second inauguration, and he wasn't disappointed. In the sermon Campolo hauled out one of his favorite preacherly riffs about Christ's resurrection: "It's only Friday, but Sunday's comin'!" Except he added a new spin. "[Conservative evangelicals] are saying, 'This administration cannot be an instrument for changing the world for God,'" Campolo thundered from the pulpit. "But they don't know it's only Friday! Sunday's comin'!" It was a conflation of Christian hope and political success that might have made even Jerry Falwell blush.

Tony Campolo

Kevin Chadwick

Falwell and his fellow religious rightists were a favorite target of Campolo during the Reagan era, and the vehemence of Campolo's condemnation then lends irony to his friendship with Clinton now. When the Christian Coalition supported the Republican takeover of Congress in 1994, Campolo was alarmed that Christian conservatives were becoming mere courtiers to the power of the legislative branch. This led him and two other evangelicals in 1995 to found Call to Renewal, so that Christian liberals could become mere courtiers to the power of the executive branch. Call to Renewal organized more than 40 town meetings in the month before the 1996 election, in hopes of transcending those "doctrinaire ideological approaches to the issues" and reelecting President Clinton.

The friendship has only intensified with the president's current troubles. After Clinton's disastrous non-apology on August 17, Campolo and ten other "religious leaders" immediately issued "An Appeal for Healing" to show they were still on board. It was subtitled "A Pastoral Letter to the Nation," and it contained more exclamation points than an e-mail from Monica Lewinsky:

"We want our country back!" the leaders wrote. "We want our President to be allowed to be President. . . . The President confessed: 'This was wrong.' What more must we know? . . . It is time once again to be led by our President. We need our country back!"

With Campolo thus on record as opposing the president's resignation, Clinton surely felt comfortable inviting his friend in for pastoral counseling. The apology the president delivered at the prayer breakfast was by any measure self-canceling—expressing his desire to turn away from his misbegotten actions while simultaneously unleashing his lawyers to "mount a vigorous defense" of them—but that didn't keep Campolo from bursting into tears. The president is from Hot Springs, where easy marks are a dime a dozen.

Campolo is a man of unquestioned devotion, and you don't need to doubt his sincerity to point out that his view of the president's situation is as generous as any penitent could ever wish—almost identical to the president's view, in fact. The press release Campolo issued on September 14 explaining their new pastoral relationship closed with a revealing quote from the play *A Raisin in the Sun*:

> Child, when do you think is the time to love somebody the most; when they done good and made things easy for everybody? Well, then, you ain't learnin'—because that ain't the time at all. It's when he's at his lowest and can't believe in hisself 'cause the world done whipped him so.

By all outward signs this is how the president sees himself: a man brought low by his enemies, a victim in trouble merely because the world done whipped him so. In this as in much else, the president and his pastor are in complete agreement. ♦

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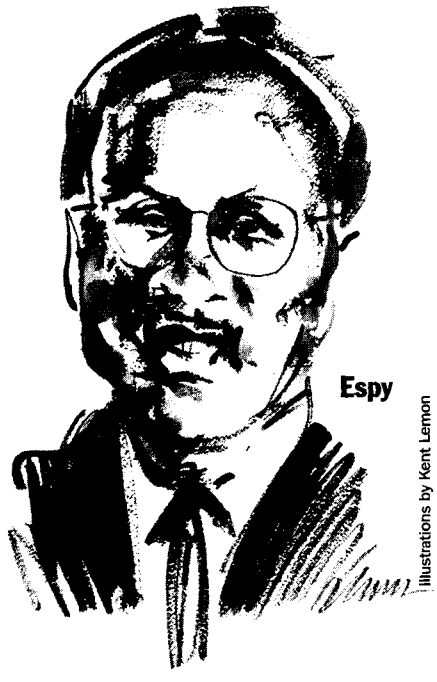
THE CABINET CLINTON DESERVES

By David Frum

"Bill Clinton's problem is not a party problem, it is not a New Democratic problem, it's a Clinton problem." That's Elaine Kamarck, a former Gore staffer now decamped to Harvard, as quoted in the *New Republic* last week, and hers is a line we are very likely to hear repeated more and more as the congressional elections draw closer. Just as bad things happen to good people, the theory seems to go, so even the nicest parties can find themselves under the leadership of perjurers and sexual predators. It's just one of life's little unpredictable misfortunes. And although the Democratic congressional caucus has enthusiastically dedicated itself to impeding and obstructing every investigation into the president's misconduct, and although pro-administration talking heads are still blasting Ken Starr for uncovering the truth about the president, and although the party's so-called wise men are now denying that perjury is an impeachable offense, we are still supposed to believe that Clinton is an aberration whose offenses in no way reflect on the moral character of the party that twice nominated him and still seeks to protect him.



Espy

Illustrations by Kent Lemon

But there's a problem with this exculpatory reasoning. If the administration's difficulties were simply the product of Clinton's personal failings, the scandals would implicate nobody except the president and his staff. Instead, not only is the president in danger of impeachment, but four of his cabinet officers face charges of corruption and perjury remarkably similar to those in which Clinton himself is mired. No president has ever had as many of his cabinet officers on the wrong side of the law as Bill Clinton—not Grant, not Harding, not Truman, not even Nixon.

Jay Leno once joked that it was typical of Clinton to divert attention from a scandal with another scandal. Behind the Lewinsky matter, behind the illegal campaign contributions from the Chinese military and other mysterious foreign sources, behind the firing of the travel-office employees, Whitewater, Mrs. Clinton's strange cash windfall and her contradictory explanations of it—is a still deeper scandal. The president's defenders often urge us to see his infractions in context. What the public needs to understand is that the context is an administration entirely shot through with misconduct and deceit.

Secretary of Agriculture Mike Espy

On October 1, Mike Espy became the first cabinet officer to go to trial for corruption in office since Teapot Dome. In a year and a half as secretary of agriculture, Espy is alleged to have accepted tens of thousands of dollars' worth of gifts from corporations regulated and subsidized by his department: tickets to sporting events (including the 1994 Super Bowl), air tickets, limousine rides, meals, and luggage. His girlfriend, Patricia Dempsey, was allegedly given thousands of dollars in cash by corporations that did business with his department. Espy is also charged with making deceptive statements so that the government would pay the cost of a leased Jeep Cherokee for his personal use back home in Mississippi.

Espy's defenders argue that the very smallness of the sums at stake proves his innocence: You can't buy a cabinet secretary with free tickets to the U.S. Open. But were the sums really so small? One of Espy's bene-

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David Frum, a contributing editor to THE WEEKLY STANDARD, *is the author of* What's Right: The New Conservative Majority and the Remaking of America.

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factors, a firm that lobbied his department, provided Dempsey, who is the mother of his children, with a job. Other benefactors made generous and sometimes illegal donations, totaling tens of thousands of dollars, to Espy's brother's congressional campaign.

Nor are small gifts necessarily less corrupting than big ones. To conceal the gifts, Espy, it's alleged, had to fill out financial-disclosure forms falsely, alter travel records, and then tell face-to-face lies to investigators, including the FBI. As Geraldo Rivera might say, if you take illegal gratuities, of course you have to lie about them. Donald Smalz, the independent counsel in the Espy case, has been unable to prove that any particular gift bought any identifiable favor from Espy, although there are some suggestive coincidences, notably the decision not to enforce tighter meat-safety standards against the chicken industry—an industry dominated by Tyson Foods, which treated Espy with special generosity. But whatever its direct effect, a steady flow of freebies to a department head gives license to subordinates to expect baksheesh for themselves: Espy's chief of staff, fellow Mississippian Ron Blackley, improperly took $22,000 in consulting fees from agri-businesses after going to work at the department. (Blackley was convicted of perjury last December.)

Cisneros

HUD Secretary Henry Cisneros

Former housing and urban development secretary Henry Cisneros also goes to trial this fall on charges of lying to the FBI about payments to a former mistress, Linda Medlar. Cisneros and Medlar started their affair in 1987, when he was mayor of San Antonio and she was a campaign aide. The affair became public the next year, and Cisneros retired from politics.

Cisneros succeeded in patching up his marriage after the scandal. Medlar had more trouble: She divorced and was unable to find work to support herself and her daughter. After Cisneros returned to his wife, he began making cash payments to Medlar—payments that totaled over $250,000 between 1989 and 1994. In 1993, Cisneros got the tap to join the Clinton cabinet and was asked by the FBI about his relationship with Medlar. He told them that he had paid her no more than $10,000 a year. In 1994, Medlar exposed the story, and an independent counsel was appointed. In December 1997, Cisneros was indicted.

Cisneros has by and large received very sympathetic media treatment, in part because Medlar is an unappealing character. (She has been indicted herself for tampering with evidence.) But take a second look. Yes, he was the victim of blackmail. But unanswered questions swirl about his case, of which the most important is, Where did the $250,000 come from? Cisneros was not a rich man, and while he seems to have earned a comfortable living in his four years in the private sector, he had two college-age daughters and a sick son to support. The independent counsel's indictment notes that Cisneros's political supporters offered to provide Medlar with a job. Did any of them give him money for her too? If so, did those gifts cease when Cisneros entered the Clinton administration?

And what about Cisneros's tax liability? The FBI wasn't asking about the size of his payments to Medlar out of prurience: There's a federal tax due on gifts of more than $10,000 per year, and there's no record of Cisneros's ever having paid it. Tax chiseling is a serious crime. Lying to the FBI is a serious crime, too—although when Cisneros comes to trial, we can expect to be told: If you're cheating on your taxes and paying blackmail with money that comes from who-knows-where, of course you're going to lie about it.

Secretary of Labor Alexis Herman

Questions have been raised about Alexis Herman's ethics ever since she served in the Carter administration. As an official in the Labor Department between 1977 and 1981, she steered millions of dollars of grants to groups like Jesse Jackson's PUSH. Jackson's group was in those days arm-twisting corporations into agreeing to quotas for minority contractors—and after Herman left government, it was her firm that Jackson urged companies to hire to monitor the quotas.

Herman's private-sector career over the next dozen years was lucrative. She did especially well out of real estate, getting a slice of the action in downtown-Washington developments—including the Ronald Reagan Building—from developers who understood that tak-

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ing care of friends of Jesse Jackson could speed approval by Marion Barry's city hall. A protégé of Ron Brown's, Herman went to work in the Clinton administration, where her main duty seemed to be fund-raising for the 1996 Clinton campaign. (Herman arranged the bulk of the "it's only coffee" White House fund-raisers.) As a reward for a job well done, she succeeded Robert Reich as labor secretary in 1997.

Almost immediately, an African businessman named Laurent Yene stepped forward to accuse Herman of demanding kickbacks from him. In 1994, Yene had gone into business with—and set up housekeeping with—a good friend of Herman's named Vanessa Weaver. Weaver had bought Herman's diversity-consulting business when Herman joined the Clinton administration, and between 1994 and 1996 Weaver visited Herman at the White House some two dozen times, often in the company of her clients. Yene charges that Weaver and he had an understanding with Herman that they would pay Herman 10 percent of any business she helped to generate. He also charges that Herman pushed Weaver to ask clients to make donations to the 1996 Clinton campaign.

Herman

It took attorney general Janet Reno a year to decide that an independent counsel should look into Yene's accusations. The letter Reno filed with the court that named the counsel was written so as to lead the casual reader to think the accusations were probably false. But it conceded, almost ruefully, that where Justice Department lawyers had checked, Yene's factual claims had been corroborated. An independent counsel was named in May, and the investigation has only just begun—which means it may be months before Geraldo gets a chance to explain: If you take kickbacks from a foreign businessman, of course you're going to lie about it.

Interior Secretary Bruce Babbitt

Former Arizona governor and presidential candidate Bruce Babbitt has the sort of reputation for political integrity you get if you are an environmentalist liberal who makes self-depreciating jokes: a Mo Udall for the '90s. But whatever his character before he entered the Clinton administration, he has been spattered by the same moral sludge that has stained so many of his colleagues.

In July 1995, a lobbyist named Paul Eckstein came to see Babbitt. Eckstein and Babbitt were old friends, and Eckstein wanted a favor. Eckstein represented an Indian tribe that was trying to open a casino in Wisconsin. The application was opposed by neighboring Indian tribes who feared it would cut into betting at their dog track. Eckstein's clients were losing the bureaucratic contest, and he came to plead for a little more time to make his case. Babbitt refused and explained that White House deputy chief of staff Harold Ickes was demanding that the final decision against the casino be made right away. That much of the story is undisputed. According to Eckstein, however, Babbitt went on to say, "'Do you know how much these Indians,'" meaning the Indians opposed to Eckstein's clients' request, "'have given to Democrats?' I said, 'I don't have the slightest idea.' And he said, 'Half a million dollars.'"

In October 1997, Babbitt was called before the Senate to respond to Eckstein. Remember Josh Steiner, the twenty-something administration aide who explained that he had lied to his diary? Before the Thompson committee, Babbitt pleaded the Steiner defense: Yes, he had invoked Ickes's name—but only to hustle Eckstein out of his office. He had lied to Eckstein. He had never been pressured by Ickes, his decision was the right one, and, no, it had nothing to do with the money—which in fact amounted to $350,000—that the casino's opponents had given to the Clinton-Gore campaign.

In March of this year, an independent counsel was named to investigate whether Babbitt lied to Congress. If he did, he still has the inevitable excuse: If you're selling Interior Department decisions to the highest bidder at the White House's behest, of course you have to lie about it.

Not a party problem? One of Oscar Wilde's characters quipped of an orphan, "To lose one parent

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may be regarded as a misfortune; to lose both looks like carelessness." Similarly, any administration can see one cabinet officer enmeshed in scandal—but four?

Not a party problem? Well, that depends how one defines "problem." (Or, as we say in the age of Clinton, how one defines "party," "not," and "a" as well.) The Babbitt case illustrates how even a man with a reputation for decency could be mired by the Democratic party's lawless fund-raising practices in 1996. The Cisneros case illustrates the readiness of the Clintonites to try to protect themselves from ordinary embarrassment by lying and deceit. And the Espy and Herman cases illustrate something more troubling still: the way that affirmative action has systematically corrupted the Democratic party.

Why was Mike Espy in the cabinet at all? Here's a petty operator, scrounging for a job for his girlfriend and free football tickets for himself. He's a type familiar to anyone who's ever had to do business with a small-town city hall; a type abundantly represented in both political parties. But he's also a type that is very rarely present in federal cabinets. That's not to say every cabinet officer is a George Shultz or a Joe Califano. Sometimes a president must wince and appoint a key political fixer or an important party boss to high office—the way FDR appointed James Farley postmaster general or George Bush made James Baker secretary of state. President Clinton's choice of Ron Brown for secretary of commerce followed this ancient tradition. But Espy? There was no reason to give him any senior job at all. So how did he get his job? He got it the same way that Janet Reno got hers.

Babbitt

Quotas are hardly new things in American politics. But the race and sex quotas on which the Clinton administration has been built, and especially the race quotas, are crucially different from the old rules mandating a certain number of southerners or Catholics or union members. The racial quotas by which a cabinet is filled are just the tip of a vast network of racial quotas that pervade American society. The old rules only governed public appointments. The new quotas are the basis of a multi-billion dollar private-sector regime. This regime necessarily corrupts those who make their careers in it. It is an industry that benefits only a relative handful of minority Americans in any substantial way. Most minority Americans keep their distance from it—some are disgusted by it. But those who have unashamedly milked it are precisely the minority Americans who have ascended to the top of the Democratic party.

That's the real story of Alexis Herman. Her career has been at bottom one long protection racket: Cut me into your real-estate deal, and you'll avoid all sorts of nasty accusations. Ignore me, and you'll be picketed by Jesse Jackson. She is exactly what you get—what you ought to expect to get—from a system of minority set-asides and quotas in contracting. And when she is raised to the cabinet, she brings the habits and practices nurtured by this system to the very center of American government.

The essence of that system is special favors justified in the language of equal rights, and because the reality of the system is so starkly different from the disguise it travels under, the system habituates all those who live by it to never-ending lying.

And this is all the deadlier because the racial spoils system that elevated Herman and Espy and Cisneros to the cabinet is not some rotten but fundamentally minor aspect of modern Democratic politics. It is the party's reason for being. Clinton might triangulate himself away from the unions, the gays, the welfare mothers, and the ACLU, but he never would, and never could, triangulate himself away from the racial spoils system. It is that—not Clinton's cigar—that is the moral scandal of the modern Democratic party.

Not a party problem? It's a sign of how very troubled an organization the Democratic party is that it professes not to notice or care that Bill Clinton's "most ethical administration in the history of the Republic" has ended in a cabinet of perps. ♦

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Looking for Brutality in All the Wrong Places

By Arch Puddington

This past July, Human Rights Watch issued a report claiming that police brutality is "one of the most serious, enduring, and divisive human rights violations in the United States." The report is startling in at least two respects. First, Human Rights Watch usually trains its sights on the world's most vicious governments, not the domestic social problems of the United States. Second, while the report echoes previous investigations by civil libertarians of police-abuse cases, it goes an important step further by urging the widespread application of international law as a weapon against what it deems an epidemic of police violence against the American people.

A careful reading of the report, titled "Shielded From Justice: Police Brutality and Accountability in the United States," suggests that the group got things backwards. America does not have a human-rights problem. Human Rights Watch, on the other hand, does seem to have an America problem: It neither understands nor appreciates the workings of democracy in its own backyard.

HUMAN RIGHTS WATCH'S RECENT REPORT ON POLICE ABUSE IN THE UNITED STATES IS ITS MOST AMBITIOUS AND MOST TENDENTIOUS.

Human Rights Watch emerged out of Helsinki Watch, perhaps the most prominent of the private organizations established during the 1970s to monitor Soviet compliance with the 1975 Helsinki accords. Human Rights Watch began its work without ideological bias, and it earned a reputation as a sharp critic of the Soviet Union's failures to live up to its international obligations. It later became a fierce opponent of the Reagan administration's Central America policies, in particular its support of the government of El Salvador, then involved in a civil war against Marxist insurgents, and of the Nicaraguan contras, the anti-Communist group that was attempting to overthrow the leftist Sandinista regime.

Since the end of the Cold War, Human Rights Watch has actually expanded its mission. The organization maintains separate projects to monitor the observance of human rights in every part of the world, and continues to issue meticulously researched and often quite powerful reports on such diverse subjects as repression in Kashmir, atrocities in East Timor, and the inhumane treatment of handicapped children in China. At the same time, the group has ventured into several new areas: It has devoted more attention to the persecution of minority groups and launched ambitious projects to publicize violations of the rights of women and homosexuals. Recent reports have thus dealt with such issues as the enforced prostitution of young girls in Asia and discrimination against homosexuals in Romania.

A further sign of the organization's shifting focus is the criticism it now directs at alleged patterns of human-rights violations in the United States. To be sure, from the beginning Human Rights Watch has been a vociferous critic of aspects of American foreign policy, a tradition it carries forward today through its pointed attacks on the Clinton administration for its refusal to sign various international treaties, most recently that concerning the International Criminal Court. The group also publishes regular reports on such issues as the treatment of women in U.S. prisons, the death penalty, and alleged misconduct of Border Patrol agents along the U.S.-Mexican border.

But the report on police abuse is the organization's most ambitious such investigation, and the most tendentious. As Human Rights Watch notes, police abuse is something over which Americans are deeply divided, especially along racial lines. But does police misconduct amount to a human-rights violation, a phrase that suggests crimes perpetrated by the state, sanctioned by the state, or tolerated by the state? The report conveys no doubts on this score. It carries a message of rampant police violence and official indif-

Arch Puddington is vice president for research at Freedom House.

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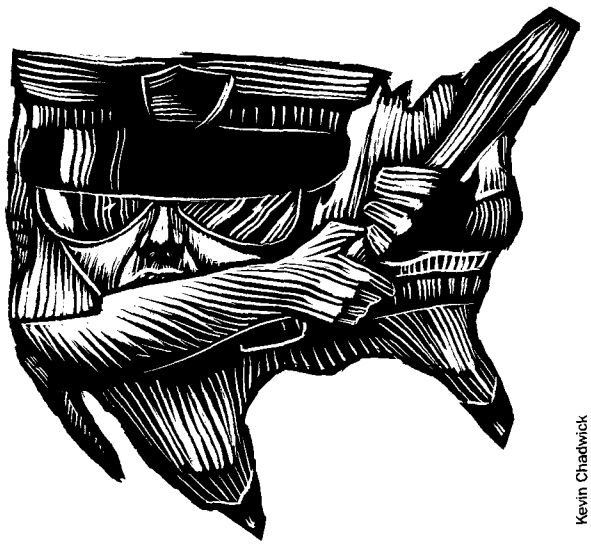
ference. It contends that police brutality is "pervasive," that police racism is undiminished, and that abuse goes "unchecked" by higher authorities. Besides being exaggerated and sometimes downright wrong, these conclusions are contradicted by the facts in the report itself.

There is, to begin with, the question of whether police abuse has become more prevalent in recent years. Although the report's language often suggests that police brutality has reached epidemic proportions, the truth is that national statistics on police abuse are not compiled. The considerable anecdotal evidence in the report suggests that in some cities police abuse is declining. Nor does the report sustain the charge that police officials are passive towards misconduct in the ranks or, as was sometimes true in the past, actually encourage the worst instincts of law-enforcement officers. American cities no longer hire Frank Rizzos to run their police departments. Indeed, as the report indicates, police departments in a number of cities have implemented reform measures, such as improved training of recruits to reduce the chances of abusive behavior, and have stiffened disciplinary procedures to punish abusive officers.



Kevin Chadwick

The individual cases of alleged police brutality cited throughout the report—including the high-profile Rodney King episode in Los Angeles—are apparently intended to demonstrate the barriers to justice in the current system. Here again, however, the careful reader might reach the opposite conclusion. In case after case, offending officers were in fact brought to justice, often even imprisoned. Sometimes, it's true, these cases extended over years and required several trials. But in this, police-abuse cases are not so different from other criminal cases where the accused make effective use of procedural protections to delay or evade punishment. What's more, as the American system has evolved through the years, an abusive police officer faces the prospect not merely of an investigation by his own department's internal affairs unit, but of state or federal criminal prosecution and punishment leading to years in prison. The victims of police abuse also have the option of seeking justice through civil lawsuits; as Human Rights Watch notes, millions of dollars have been paid to abuse victims in recent years.

Not surprisingly, the report gives special emphasis to the racial dimension of conflict between police and the public. "Race continues to play a central role in police brutality," the report alleges. "Indeed, despite gains in many areas since the civil rights movement of the 1950s and 1960s, one area that has been stubbornly resistant to change has been the treatment afforded minorities by police."

This is the kind of sweeping, superficial, and ultimately inaccurate assertion that one might expect from a domestic cause group, but not from a human-rights organization that prides itself on disentangling reality from conventional wisdom. For example, to buttress its claim of massive police racism, the report on more than one occasion notes that abuse claims by minority citizens are proportionately higher than their presence in the overall population. For purposes of comparison, however, the relevant statistic is not the minority presence in the local population, but the frequency with which minorities come in contact with the criminal-justice system. When this comparison is employed, the results suggest that complaints by black persons of police abuse are only slightly disproportionate or not disproportionate at all. Furthermore, there is the fact, not mentioned by Human Rights Watch, that minorities comprise a majority or near-majority of police officers in a number of the cities investigated for the report, and that black chiefs of police run the departments of an even larger number of big cities, including Los Angeles, Houston, Atlanta, Detroit, and New Orleans. Such developments do not ordinarily occur in systems that are "stubbornly resistant to change."

Where the report gives a distorted picture of police-minority relations, it skirts the role of police unions and civil-service rules in thwarting the expeditious and fair resolution of abuse cases. Most states have adopted laws intended to protect police officers

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and other civil servants from arbitrary or politically motivated reprisal. In practice, though, these measures also severely restrict the authority of a police chief to discipline abusive officers. Even in cases where department officials have dismissed officers for repeated acts of brutality, the officers have sometimes won reinstatement through legal appeals or the arbitration process. Yet while the report explains the impediments to effective discipline posed by certain civil-service procedures, it refrains from calling for major changes, an uncharacteristically cautious approach in a report that otherwise demands thorough-going change.

Many of the remedies Human Rights Watch proposes are so unexceptional they might as well have been copied out of an old ACLU fund-raising letter. No reasonable person opposes improving the recruitment of police, or the weeding out of habitually abusive officers, or the goal of preventing police abuse before it occurs.

Unfortunately, Human Rights Watch also advocates a substantial increase in state and federal oversight of local police matters. The report urges that each state establish a special prosecutor's office to deal exclusively with police-abuse cases. It expresses unhappiness with the Justice Department's reluctance to bring charges against police officers for violating the civil rights of alleged victims; in addition to advocating more aggressive federal prosecution of individual policemen, it asks for an expansion of Justice Department investigations into the policies of municipal police forces. And the report proposes that Congress adopt legislation denying federal grants to any police department that "fails to fully respect human rights."

THE GROUP LOOKS FORWARD TO THE DAY WHEN U.S. CITIZENS CAN CLAIM THAT POLICE ABUSE VIOLATES INTERNATIONAL LAW.

In justifying this proposal, Human Rights Watch cites as precedent the U.S. policy of tying assistance to foreign countries to their governments' compliance with human-rights standards. It cannot have escaped the notice of Human Rights Watch that the countries on which human-rights sanctions have been placed tend to be brutal dictatorships that routinely murder political opponents, persecute opposition parties, muzzle the press, and commit other heinous acts that clearly qualify as human-rights violations. The authors of "Shielded From Justice" thereby demonstrate both a serious misreading of the extent of police abuse in this country and a cavalier willingness to extend to the federal government extraordinary supervisory powers over a traditional responsibility of localities.

In its most important, and disturbing, recommendation, Human Rights Watch urges that the authority of international law be invoked in police-abuse cases in the United States. Specifically, the report asserts that citizens should have the right to cite three international agreements to strengthen legal action in abuse cases: the International Covenant on Civil and Political Rights, the Convention Against Torture or Other Cruel, Inhuman or Degrading Treatment or Punishment, and the International Covenant on the Elimination of All Forms of Racial Discrimination.

Although the United States has signed all three agreements, it did so only after adding reservations and understandings that effectively nullify their impact on American law. Indeed, such international covenants cannot become the basis for lawsuits in American courts without legislation passed by Congress. And successive administrations have declined to send implementing legislation to Congress on grounds that American law generally conforms to international standards.

Human Rights Watch is highly critical of this unwillingness to incorporate international law as part of the country's domestic law, and looks forward to the day when U.S. citizens can claim that police abuse violates international standards against torture or racial discrimination. As the report points out, the standards inscribed in international covenants sometimes differ in important respects from American law. This is certainly true of the international agreement against racial discrimination. Under American law as interpreted by the Supreme Court, for an act to be judged discriminatory usually requires that it have both a discriminatory intent and effect. By contrast, under international law, it is sufficient to demonstrate effect. In other words, under international law the very fact of a racial disparity in police-abuse cases might be sufficient to "prove" racial bias by a city's police department.

Human Rights Watch not only places more faith in international law than in American law, it places unwarranted confidence in the human-rights mechanisms of the United Nations. The U.N.'s record in dealing with the world's most serious human-rights crises has historically been unimpressive (to put it

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mildly). Nevertheless, in recent years the U.N. has conducted a number of human-rights investigations in the United States; among the subjects of investigation have been the treatment of women in state prisons and allegations of racial discrimination in the application of capital punishment. Although couched in the cautious phrases of diplomacy, these reports have expressed dissatisfaction with American policies.

The timing of the Human Rights Watch report suggests a similar desire to dress up as an appeal to human rights—and to international law—what is in fact a condemnation of American policies with which the report's drafters find themselves in political disagreement. Although the United States has recently experienced a number of well-publicized police-brutality cases, the same could be said for any period since the 1960s. If anything, police departments pay more attention to the prevention of abuse in their recruitment and training policies than ever before.

At the same time, police departments in many cities have recently adopted more aggressive law-enforcement tactics, notably in cracking down on so-called quality-of-life crimes, such as public urination, the open use or sale of drugs, subway fare-beating, and similar non-violent offenses.

THE REPORT'S DRAFTERS TAKE A DIM VIEW OF THE QUALITY-OF-LIFE POLICING CREDITED WITH MAKING NEW YORK SAFER AND MORE CIVIL.

The emphasis on quality-of-life enforcement began in New York at the instigation of Mayor Rudolph Giuliani in 1994 and has been credited by many New Yorkers with making the city safer, more civil, and in general a better place to live. Although some minority spokesmen have complained that the new policy has led to an increase in police abuse, others have credited the new tougher line with having contributed to the revival of declining neighborhoods, including Harlem. Other cities have taken note of the steep decline in crime rates in New York, and have instituted similar policing tactics.

Human Rights Watch takes a dim view of quality-of-life policing, is disturbed by its popularity with the public, and objects to Giuliani's law-and-order policies. In this, it echoes the views of the New York Civil Liberties Union.

The NYCLU's parent organization, the American Civil Liberties Union, has, of course, played a central role in the ongoing debate over American law enforcement for decades, and is best known for having spearheaded the legal effort to broaden the rights of criminal defendants. In recent years, the ACLU perspective has suffered a series of legislative setbacks, of which New York state's decision to reinstate the death penalty is the most vivid example. And where in the past the civil-liberties movement often won change in criminal-law procedures through the courts, in recent years the pendulum has swung in the opposite direction, as the federal judiciary has issued decisions that have restricted the rights of criminal defendants.

There is a considerable overlap of personnel between the ACLU and the lawyers and scholars who served as consultants to the Human Rights Watch report on police abuse. This is consistent with a pattern in which liberal and leftish cause organizations, having failed to win change through the normal channels of American democracy, "go global" to press their issues through international treaties and institutions, especially the U.N. With an American public strongly supportive of the kind of stepped-up crime-fighting techniques undertaken in New York, it is understandable that civil libertarians and groups like Human Rights Watch might turn in frustration to international law for a solution that they cannot now win domestically.

They are, however, seriously mistaken in believing that reform can be promoted by "globalizing" the social problems of democracies. Indeed, the very suggestion betrays an astonishing lack of faith in the American democratic system and a misunderstanding of the process of winning political change in this country. Moreso than any other system, American democracy is flexible and open to adjustment. But Americans quite rightly resist change that is imposed by institutions not subject to popular control. They are certain to resist the notion that specialists in international law are better equipped to pass judgment on the system's shortcomings than Americans themselves.

"Shielded From Justice" never explains why the United States should recognize the authority of international law and global institutions. The report's authors presumably thought the answer to be self-evident. This in itself explains why Human Rights Watch, despite its impressive record in publicizing and protesting the crimes of the world's dictators, is not likely to exert a similar influence in the debate over social reform in the United States. ♦

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Herodotus, Thucydides, and Us

How to Translate the Classics

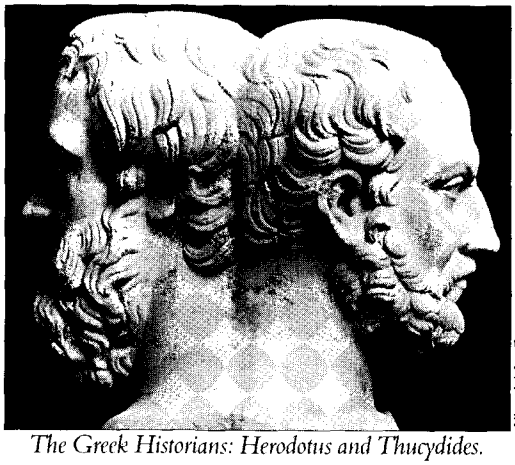
By Victor Davis Hanson

Out of about one million Bachelor of Arts degrees awarded each year, only six hundred are in classics. About one classics major graduates in America each year for every four or five classics professors—and for every twenty journal articles written annually on ancient Greece and Rome. When classicists run for the national offices of their professional organizations, their CVs list the impressive number of years off from teaching that they have had on fellowships and grants—as proof of their intentions to emphasize classroom instruction.

So the general public rarely buys books on the ancient world, much less translations of the Greek historians. Every once in a while flukes do occur. The bandaged archaeologist in *The English Patient* had a copy of Herodotus by his bedside, and publishers reported a slight surge in sales of English translations of Herodotus, as moviegoers associated a beautiful nurse and a tragic love affair with the nighttime reading of a classical text. Robert Strassler, a philhellenic businessman, recently edited a user-friendly edition of Thucydides (for which I wrote the introduction) that was chosen as a selection by both the Book of the Month Club and the History Book Club. But in general it is safe to say that neither the handful of college classics majors nor the classically minded members of the adult reading public add up to very many readers of Greek historical literature.

Victor Davis Hanson is the co-author, with John Heath, of the recent Who Killed Homer? The Demise of Classical Education and the Recovery of Greek Wisdom.

Who does buy such books is the captive audience of college undergraduates and graduate students enrolled in Greek history courses and a few related classes in western civilization, humanities, and ancient literature. This audience is not enormous, numbering somewhere between twenty and thirty thousand students nationwide, almost all of them assigned Herodotus or Thucydides, and in very rare cases Xenophon or Polybius, as part of their required texts.



Alinari / Art Resource

The Greek Historians: Herodotus and Thucydides.

Nearly all new translations of the Greek historians are designed to capture a slice of this static market from the previous editions issued by such commercial publishers as Penguin and the Modern Library or from university presses. In this zero-sum market, every new edition of Thucydides and Herodotus means fewer sales for any particular translation. Perhaps the industry of academic careerism (tenure, promotion, and professional advancement through publication) helps explain why new translations are now breeding like rabbits—when formal study of the ancient world is at an all-time low.

Thus, to judge the excellence and usefulness of this new generation of translations, we must pose two questions. How well do these recent editions serve this specialized academic audience? And, far more important, are any designed to break out from the confines of the university? Through either the brilliance of the translation, or the array of aids for the general reader (maps, illustrations, glossaries, headers and footers, introductions, appendices), or perhaps the sheer beauty and quality of the published product, can any such books attract the public back to reading about the Persian Wars or the great twenty-seven-year Peloponnesian War between Athens and Sparta? Sadly, the answer to the latter question is probably not.

Steven Lattimore's Hackett edition of Thucydides is unusual in that Professor Lattimore, a gifted Greek scholar, is both translator and commentator. His aim clearly is to produce for scholars a handy literal translation of *The Peloponnesian War* replete with footnotes that refer to the specialized bibliography at the back of the book. Some of these notes are between twenty and thirty lines and of little use to the Greekless reader (typically referring to the Gomme and Hornblower commentaries of the Greek text). Familiar Greek names are not Latinized into their more

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familiar forms (the text has "Perikles," for example, instead of "Pericles), and Lattimore is willing to forgo the beauty and power of the Crawley or Hobbes translations, which sometimes came at the price of a literal and exact rendering of Thucydides' text. Crawley's elegant (and politically incorrect) translation of Pericles' boast that "We cultivate refinement without extravagance and knowledge without effeminacy," for instance, becomes the absolutely flat "We love beauty while practicing economy and we love wisdom without being enervated."

Lattimore provides four maps, a list of the 141 speeches, a fine if brief introduction, and short synopses at the beginning of each chapter. The edition is well produced and inexpensive, and will be used profitably by classical scholars and ancient historians who desire a literal translation and a quick review of standard reference work on Thucydides. Graduate students would do well to purchase Lattimore's edition for its close translation and erudite learning. But today's undergraduates—who increasingly do not read more than a thousand lines of English an hour—will find little help here and may just as well use the edition of T. E. Wick, whose pocket size and larger print at least provide greater convenience.

Somewhat different is the Norton edition translated by Walter Blanco and edited by Blanco and Jennifer Tolbert Roberts. Blanco, an English professor, strives for readability at the expense of "the compressed, often crabbed syntax of the speeches" and has "adopted a relatively colloquial vocabulary for them and for the narrative as whole." As if to anticipate ankle-biting from philologists in classics departments, Blanco adds, "I offer no apologies." A reading of some notable Thucydidean cruxes suggests that Blanco is overly modest and in fact gives us good English and often colloquial prose that is at the same time quite faithful to Thucydides' Greek. Blanco and Roberts, unlike Lattimore, aim for an audience beyond the professoriat—their footnotes, though far too rare, are concise and readable and do not require knowledge of the tools of classical scholarship or the Greek language. But what puts this Norton edition on the right track for general readers is the 150 pages of selected auxiliary readings at the book's end.

Ancient selections from Xenophon, Herodotus, and Plato given as "Backgrounds and Contexts" touch on some of the historiographical and philosophical concerns of Thucydides, and these are amplified by selections from Machiavelli and Hobbes. Then eleven essays follow on aspects of Thucydides' method, style, and outlook. Written by political scientists, classicists, and historians, these "Interpretations" discuss the traditional controversies that surround the historian: Was Thucydides a realist? What were his views on hegemonic warfare? Was he secular, irrational, objective, subjective, a scientific historian, or a gifted literary artist? All these selections touch on popular academic interests in Thucydides, if at times having the unintentional effect of making us forget that Thucydides was foremost a military historian and battle veteran, who described a horrific war replete with blood-curdling accounts of disease, the butchery at Mycalessus, and the slaughter on Sicily.

Thucydides
The Peloponnesian War
Translated by Steven Lattimore
Hackett, 508 pp., $39.95

Thucydides
The Peloponnesian War
Translated by Walter Blanco and edited by Walter Blanco and Jennifer Tolbert Roberts
W. W. Norton, 554 pp., $20.25

Herodotus
The Histories
Translated by Robin Waterfield with Introduction and Commentary by Carolyn Dewald
Oxford University Press, 704 pp., $30

Still, the appendices and the bibliography seem to make the Norton edition more helpful for those in advanced political-science classes and for graduate students who work with Thucydides in such fields as historiography and international relations. Just as Lattimore's Hackett edition is ideal for classicists, so the Norton Thucydides now replaces previous paperback editions of Thucydides for advanced students. With these two new additions, teachers may now pick and choose from over ten translations of Thucydides in print, predicating their selection of the particular edition on the emphases—historical, political, philological—of their own courses.

Herodotus too is receiving new attention, perhaps more than Thucydides. Unlike the later historian—with his methodical analysis of cause and effect, nature and culture, word and deed, and his fascination for distinguishing objective and subjective truth—Herodotus remains outside the intellectual ferment and fads of late-fifth-century Athens and so should appeal more to general readers. His purpose is to show how the gods eventually punish the hubris of wrongdoing—the loser Xerxes is rich and arrogant, the victorious Greeks middling and modest. And because Herodotus' history is not linear, but rather a stitched-together account of the rise of the Persian empire and the nature of Scythia, Egypt, Lydia, and early Greece in the seventh and sixth centuries, he has gained the erroneous reputation of a historian whom we read more for pleasure than for enlightenment. Indeed, he is currently a favorite with postmodernists and multiculturalists who have misinterpreted his excursuses as fictions and wrongly seen his genuine interest in the Eastern Mediterranean as an absence of chauvinism about the superior culture of the Greek city-state.

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Cambridge University Press

Marble battle relief from Halicarnassus, a late-fourth-century slab from the Amazon-frieze.

Of all the recent translations, the 704-page Oxford Waterfield and Dewald edition is clearly aimed at a more upscale reader who appreciates beautiful printing, a hard cover, and an artistic jacket. Carolyn Dewald has provided a readable thirty-three-page introduction, but its discussion of parataxis, narrative units, associative thinking, and ring composition, will lose that same general reader who was first attracted by the beauty of the edition. Dewald provides a timeline correlating the *Histories* with events in and outside Greece, and gives appendices on clothing, weights, money, and measurement. There are nearly 150 pages of notes on the text that elucidate questions of topography, history, and Herodotus' references to contemporaries. These pages are more intellectually accessible than Lattimore's specialized footnotes, but more physically inaccessible because they are at the back of the book. Like the other editions, the Oxford *Herodotus* has a glossary of Greek terms and foreign words, an index of proper names, and line maps.

In the translator Robin Waterfield's hands, Herodotus does not appear archaic or charming, but matter-of-fact and unpretentious—just the flavor of this native Dorian Greek's mastery of Ionic Greek prose. What is lost here in literary elegance from previous translations (especially the great George Rawlinson version) is gained by a more literal rendering of the Greek and the absence of artifice.

Students may find these editions superior to either the old Penguin or Modern Library edition, but in the end I doubt very much that the translators will convince readers outside assigned college courses to take up Thucydides and Herodotus. In all the new editions, the hundreds of pages of the text are curiously unadorned. Instead of the repetitive title and book number in small print at the top margin of the pages, we need informative headers, footers, and sidebars that on every page include dates, subsection numbers, and small synopses of the narrative. Mini-summaries should break up the text, to help the reader who is buried under the dozens of place and personal names that dot every page. Glossaries at the back are valuable, but far better are definitions of Greek terms and practices at the bottom of every page. All these practical aides could be included in a paperback edition at little additional cost.

In texts that run five-hundred pages, with dozens of strange place names in a single paragraph, maps are needed in abundance—fifty or more, rather than a mere handful. And they should be printed in the text, rather than at the end of the book (like the fourteen in the Norton edition). None of these new editions has illustrations, and there should be, in an ideal edition, dozens of photographs—from hoplite soldiers to triremes, pictures of battlefields, and vase-paintings of Greeks at work and play. Such illustrations would increase the books' prices, but they would differentiate the translations from existing editions in an already-crowded market—and give relief to the uninitiated reader who tries to plow through the unfamiliar landscape of ancient Greece.

These recent editions—and more are on the way—are the best of what classicists call "responsible popularization," and they make a genuine effort at using the standard scholarly protocols—introduction, text, notes, appendices, bibliography—to make a text more accessible to those outside the discipline. But with classics in such dire shape, we can ill afford publishing in a single year multiple new translations of Thucydides and Herodotus that are aimed at the same academic reader and not qualitatively different from one another.

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If we are really to appeal to those outside the university, to convince them that reading about the history of the ancient world is not only pleasurable but vital to understanding culture, then an entirely different approach in formatting and presentation is necessary—one that is not only unlike, but perhaps even antithetical to, the usual manner in which classicists have produced their translated texts. ♦

DON'T GO WEST

Robert Kaplan Looks for America

By Bill Croke

Eighty-one languages are spoken in Los Angeles. In California's Orange County, where self-absorption reigns and philanthropy is rare, people who shop in high-toned malls are soothed by the sounds of live string quartets. In booming Tucson, Arizona, a public referendum concerning a badly needed water project caught the attention of only one in four Tucson voters. Just across the southern border, in Culiacan, Mexico, there is an ersatz shrine dedicated to "El Narcosanton," the Narco Saint, a criminal named Jesus Malverde hanged in 1909 and reputed to be the patron saint of Mexican drug lords. Just across the northern border, citizens of Vancouver joke that the Japanese want to buy their city, but the Chinese won't sell it.

Robert D. Kaplan
An Empire Wilderness
Travels Into America's Future
Random House, 393 pp., $27.50

These facts are among the many found in *An Empire Wilderness: Travels Into America's Future* by Robert D. Kaplan. A distinguished foreign correspondent and contributing editor to the *Atlantic Monthly*, Kaplan contends in his new travelogue that the twenty-first century's global economy, coupled with apolitical regional ethnicities, will make superfluous our traditional notions of liberal democracy and the structure of the modern nation-state. Nationalism will wane as small city-states—with, say, Renaissance Venice as a model—pursue economic self-interest and require of the federal power only bought-and-paid-for military security.

Kaplan posits that the most successful of these new emerging denizens of the West will inhabit upscale "posturban pods" (Johnson County in Kansas, Orange County, north Tucson, north Santa Fe), living in security-minded, gated communities designed to keep the underclass out: a modern version of the ancient and medieval city wall. In North America, a new "North-South reorientation" will replace the old East-West one. The cities and capitals of the East—Washington, New York, Ottawa—will become bit players in this new global arrangement.

The writing of *An Empire Wilderness* required of Kaplan a roaming, Tocqueville-like, through Mexico, Canada, and the American West. The endemic and surreal poverty of Mexico elicits his disgust, and, indeed, from an American point of view, Mexican history is an epic nightmare. Kaplan believes that a quasi-anarchy exists in Mexico already and that the army will play a large role in the country's future. And since the multibillion-dollar cross-border narcotics trade accounts for such a large slice of the economy, he thinks the Mexican army will become "the world's most efficient drug dealer."

Canada interests Kaplan, but doesn't alarm him in the way Mexico does. Vancouver is an economic powerhouse (real estate, the cruise-ship industry, and one of the biggest bulk ports in North America for the shipping of timber and agricultural products), with more ties to Hong Kong, Singapore, Seattle, and Portland than to Ottawa. Vancouver businessmen see the American/Canadian border as nothing more than a hindrance in their business dealings with the prosperous American Pacific Northwest.

Kaplan is intrigued by Ernest Callenbach's 1975 novel *Ecotopia*, which has sold 650,000 copies in the Northwest, and promotes the idea of "Cascadia," a fictional nation-state comprising Oregon, Washington, and British Columbia (roughly the nineteenth-century Oregon Territory as disputed by British and Americans). Consider that, along with the volatile separatist movement in Quebec, and you have a Vancouver city official telling Kaplan: "If the nation-state on your northern border comes apart, you in the U.S. are going to start thinking too."

While many of Kaplan's ruminations about Mexico and Canada are plausible, his view of his native America proves entirely jaundiced. He brings an establishment liberal's prejudices to his travels in the American West. Evangelical Christians annoy him, and he indulges an amusing theory that the uniform landscape of the Great Plains encourages like-minded thought among its inhabitants. He often pauses to decry the "wanton individualism" he encounters in the West, and he seems to look for "militia crazies" under every rock. In "Indian country" he

Bill Croke, who last wrote for THE WEEKLY STANDARD *on the historian Frederick Jackson Turner, is a writer living in Choteau, Montana.*

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sees parallels between the ongoing tensions of Navajo and Hopi and his own experience as a foreign correspondent among Serb and Croat. He compares the reservation archipelago on a map of Arizona to the Balkans, leaving the reader to draw the implication.

Modern western conservatives and the marginalized underclass who were once called "white trash" are equally objects of Kaplan's scorn. Always trendy, Kaplan sits in a sweatlodge with a Navajo named Cayce Boone, who tells him about his job as a cable-TV line installer who finds in Tucson's trailer parks nothing but functional illiterates with "no culture," drinking and watching the tube all day. Kaplan nods in agreement and follows up this secondhand look with a first-hand one: a five-hour Greyhound bus ride from Albuquerque to Amarillo, in which he sits beside the rootless and the deranged. These people are unwashed, they don't read, and they eat candy for breakfast. The bus "was like a prison van, transporting people from one urban poverty zone to another," and he pities the driver for having to "go through this every day." Kaplan wonders: "Can democracy flourish among people like this?"

In Amarillo, Kaplan discovers the existence of three-hundred local churches, high-school football, and Pantex, the nation's sole assembler and disassembler of nuclear weapons. To add to our misery, he notes that the Texas Panhandle is "conservative" and in 1964 rejected homestater Lyndon Johnson in favor of "right-wing Republican" Barry Goldwater.

Traveling on to Garden City, Kansas (Greyhound sociological study complete—rental car this time), Kaplan meets Quang Nguyen, Vietnamese boatperson and American success story. Nguyen, after spending the winter of 1981 sleeping in a car and working in a hog-packing house, has become one of Garden City's most prosperous businessmen, owning a restaurant, a car-body shop, and two laundries. Nguyen, whose English is fluent, now studies Spanish in order to serve more effectively his new customers, the Mexican employees of an expanding local meat-packing industry. "Here," Nguyen declares, "you work on your own initiative or you drown—and that's good." And Kaplan mourns.

In Broken Bow, Nebraska, Kaplan attends an evangelical church service that "reminded me of a kibbutz meeting," and asked worshipers questions like: "What is an evangelical?" He comes to the conclusion that, though the pastor

> represented a stabilizing moral force with which I felt comfortable, give his or any other religious group too much power and, as the Founding Fathers warned, the fragile consensus holding together a democratic society passing through one technological transformation after another could shred. The Evangelical Christianity I saw in the Nebraska county was raw and literal, as if Jesus had just died on the cross last week and the story was spreading by word of mouth, with an intensity that overwhelmed other faiths and opinions.

In Kaplan's mind the religious Right is on an equal footing with Greyhound bus passengers and Vietnamese-American restaurateurs.

He is more at home among Montana's eco-warriors. In Bozeman, he meets Mike Miles, a soft-spoken ex-Jesuit, who angrily reports: "The land rush is on. The yellow pages are full of real estate agents." Miles doesn't mention that it was he himself and his ilk who helped start the "ranchette" boom in the West through litigation against the government and the extractive logging, mining, and ranching industries, and through encouraging "eco-tourism." The environmentalists love tourists until they build a house down the road.

Also while in Bozeman, Kaplan chats with Mike Clark, executive director of the Greater Yellowstone Coalition, who worries that—though 82 percent of the "Greater Yellowstone Ecosystem" (Yellowstone National Park and a half-dozen surrounding national forests) is federal land—it's just not enough for the vast herds of bison and elk. Says Clark, apocalyptically: "If everyone gets twenty acres, then we all might as well be dead. Those trophy ranches for the rich really are the pinnacles of death."

Of course, Clark doesn't mention (though Miles does) the largest landowners in the Bozeman area: Ted Turner and Jane Fonda, generous supporters of environmental organizations. Kaplan informs us that Mike Clark, despite living in a humble apartment in town, is enough of an insider that with one phone call he "got me onto Ted Turner's ranch." (Kaplan doesn't seem to have learned that Clark's call was unnecessary: The Gallatin National Forest maintains a right-of-way easement, a dirt road across Turner's hundred-thousand-acre Flying D Ranch, so that ordinary folks and freelance writers have access to the admirable trail system in the Lee Metcalf Wilderness.)

The tour of northern-Rockies politically correct hotspots continues as Kaplan journeys to Missoula and hooks up with Dan Kemmis, ex-mayor and local political gadfly, whose crowning achievement in six years of occupying the mayor's office was the installation of a hand-carved wooden carousel in a Missoula city park. Kaplan and Kemmis share coffee while the former bemoans "the Aspen-Santa Fe phenomenon" that has come to Missoula (though he likes the fact that he can now get the *New York Times* and the *Wall Street Journal*). Kemmis gives him the latest lowdown on Missoula, a combination of natural beauty, the presence of the University of Montana, and "highly skilled entrepreneurial types who excel at experimentation." He tells Kaplan that uniquely in Missoula, "geography is absolutely pre-

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sent and critical in politics every second of the day."

At the end of a tedious lecture about the future of the American West, Kemmis concludes: "Neither the state nor the federal government can make things work; it can only be the civic culture in each locale." (A friend who used to live in Missoula told me that Kemmis's mayoral style consisted of: "Let's have a meeting; let's have another meeting; and then let's do it my way.")

In Portland, Oregon—to his delight—Kaplan finds a city that is "a kind of open air museum" with "view corridors" that keep new downtown construction from blotting out the sumptuous Cascade vistas. Portland, he gushes, "evinces the political-cultural atmosphere of a Scandinavian country, where almost everyone shares the same background and values and, for the sake of preserving them, trusts the centralizing, controlling force, or local government."

Kaplan feels right at home in squeaky-clean Portland, with its trolley system, sidewalk flowerpots, geometric parks, and few cars (and mostly late-model foreign ones, at that). "Cars for us are evil," says Mike Carnahan, of the World Affairs Council, an organization bent on improving Portland's already-strong global business ties. Ethan Seltzer, the director of Portland State University's Center for Urban Studies, told Kaplan, "We seek a mythic, native adaptation to place."

Kaplan concludes *An Empire Wilderness* where he began, among military officers at Fort Leavenworth, Kansas. These are the high-tech warriors who endlessly map strategies in anticipation of the sort of small, localized conflicts that will occupy the future American military. Kaplan accompanies a group of them on a four-day field trip to the battlefields of Vicksburg. There, in a chapter full of Civil War history, he speculates that "for a large class of prosperous Americans, a new world community is beginning to shred the bonds of union the Civil War firmly established." In the end, Kaplan writes America off: "But if we can pass out of our history slowly and gracefully, carrying on a global struggle for human rights and economic opportunity (backed up by military force) until an authentic planetary civil society emerges, America will have accomplished more than it ever did in the Homeric age of the Civil War, World War II, and the Cold War combined."

In a book that is interesting for its look at how we live today, Robert D. Kaplan ultimately gets it wrong. You only have to visit the hallowed ground of a Civil War cemetery—or any other where lie the bones of Americans who made the final sacrifice—to know that. ♦

Comic Books of Virtue

The Moral World of the Caped Crusaders

By Mark Gauvreau Judge

In a recent interview in *Rolling Stone*—part of the pre-publication hoopla for the much-anticipated *A Man in Full*, his first novel since the 1988 *Bonfire of the Vanities*—Tom Wolfe bemoaned the state of contemporary American fiction. With only a few exceptions, he declared, fiction writers are still sunk in the liberal, touchy-feely, every-protagonist-an-abuse-survivor quagmire they fell into during the 1980s. Hardly anyone, Wolfe griped, is getting his hands dirty these days with the Big Questions: love, death, redemption, religion, morality, and truth.

He's right, of course, that much American literature remains myopic and self-referential. But there are some people who are trying to explore big questions. And they're doing it in books openly hostile to the moral relativism of modern liberalism that Wolfe has so often exposed in his own writing. The only problem—and the reason Tom Wolfe may not have noticed them—is that their books are comic books: The new generation of draftsmen and authors writing the latest installments of *Superman*, *Batman*, and their modern successors form the first sizable group of American storytellers to try once again to present moral tales in a smart, compelling, and literate way.

Comic books derived from the marriage of newspaper comic strips and the cheap adolescent adventure magazines known as "pulps." The first popular newspaper strip was Richard F. Outcault's "The Yellow Kid," a clever satire of urban life, which debuted in 1896 in William Randolph Hearst's *New York Journal*. The success of "The Yellow Kid" quickly led to the appearance of other strips, aimed far more at adults than children. George Herriman's "Krazy Kat," an almost Dadaist strip that first appeared in 1911, was a favorite of Woodrow Wilson's. Winsor McCay's "Little Nemo in Slumberland," which ran from 1905 to 1911, was a series of art-nouveau fantasy sketches relating the adventures of a boy lost in a world of dreamscapes.

The same year that "The Yellow Kid" appeared, the publisher Frank Munsey began to print his new magazine, *Argosy*, on cheap, "wood-pulp" paper. Combining adventure and action stories for a young audience, Munsey and his rival publishers dis-

Mark Gauvreau Judge is a contributing writer to New York Press.

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covered such classic pulp authors as Max Brand, Dashiell Hammett, Ray Bradbury, and Edgar Rice Burroughs, the creator of Tarzan.

The pulps and the comic strips came together in 1933, when two Eastern Color Printing salesmen, Harry Wildenberg and M. C. Gaines, formed the notion of printing comic strips in the pulp-magazine format. The new comic books of the 1930s were aimed almost entirely at adolescents—offering the derring-do of such stock characters as Dick Tracy, Tarzan, and Flash Gordon. By the onset of World War II, comic books had become what most people still think of them as: the superheroic adventures of such morally spotless, lantern-jawed protagonists as Batman, Superman, and Captain America (who all arrived around the same time as the war), waging a never-ending battle against urban crime.

In the first decade after the war, however, the tales of the superheroes were joined by a darker breed of "funny books" as a new company, EC Comics, began publishing risqué horror and crime stories—featuring, under titles like *Haunt of Fear* and *The Vault of Horror*, zombies and mad scientists holding voluptuous women hostage in ruined castles. (EC Comics also published a tiny, start-up humor magazine called *Mad*.)

These new comics were considered dangerous enough to warrant the hearings begun in 1954 by the Senate Subcommittee to Investigate Juvenile Delinquency. The hearings were prompted primarily by the publication of *Seduction of the Innocent*, a book by New York psychiatrist Fredric Wertham that claimed a direct link between comics and juvenile delinquency. Wertham went after not only the EC Comics sludge but the mainstream heroes, claiming that Batman's relation with Robin was homosexual: "If Batman were in the State Department he would be dismissed." Comics, Wertham concluded, "arouse in children fantasies of sadistic joy in seeing other people punished over and over again while you yourself remain immune. We have called it the Superman complex."

Nothing much came of the Senate's hearings, and historians tend to dismiss Wertham as a crank and a right-wing nut. But the source of his fire was in fact leftist rather than conservative. Influenced by the Frankfurt School of social theory—a mix of Marxist and Freudian theory—he was one of a long line of social critics denouncing popular American culture from the left.

Had Wertham known what comics would bring in the 1960s, he might have held his tongue. The decade produced a new crop of "alternative comics," many done by artists and writers reared on EC Comics and *Mad* magazine. Titles like *The Fabulous Furry Freak Brothers* and *Zap!* gained popularity among the hippies by attacking the police and promoting drug use and counterculturalism in general. Ralph Stedman's "freakout" drawings for Hunter S. Thompson's *Rolling Stone* articles were typical of the genre. (The comics' humor, however, sometimes cut both ways: *Zap!* was run by Robert Crumb, who—a fascinating 1994 documentary revealed—loathed the hippies and thought his drawings a scathing satire of their lives.)

The mainstream comics eventually recovered from Wertham, but they came back with a twist. Writer Stan Lee and artist Jack Kirby of Marvel Comics introduced in the early 1960s a new breed of superheroes: Spider-Man, the Fantastic Four, the Hulk, the X-Men, and many others. These heroes were humanized versions of the traditional superhero, suffering normal problems like low-paying jobs, broken hearts, and family squabbles. The archetypal Marvel hero was Spider-Man, an awkward teen-age science nerd named Peter Parker who acquired super powers after being bit by a radioactive spider. (During the Cold War, a lot of heroes got their superhuman gifts from accidents involving radiation.) Unlike Superman, Spider-Man—although his signature trope was his ability to toss off barbed quips while in battle—constantly doubted his abilities.

Still, when push came to shove against the bad guys, these new heroes weren't all that different from a paragon like Superman, and during the 1970s and early 1980s, comics were in marked decline. It wasn't until 1986 that comic books were dramatically recharged when Frank Miller published *Batman: The Dark Knight Returns*, a book-length "graphic novel" that tells the story of a fifty-year-old Batman coming out of retirement.

The Dark Knight Returns was compelling in a way that no comic had been before, offering literate dialogue, social commentary, an obsessive lead character whose very sanity is in doubt—and a scathing depiction of liberalism. Set in an undetermined future, *The Dark Knight Returns* painted a world in which psychotherapists and lawyers have filled the streets with violent criminals.

Miller's new Robin is a girl, the daughter of former hippies. In one particularly striking scene, while the

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teenage Robin stares out the window at the crime-ridden streets, her parents sit inside smoking marijuana and bemoaning the return of a "fascist" crimefighter like Batman: "The American conscience died with the Kennedys. All the marching we did in the '60s, it's like it never happened." As they speak, their daughter's face goes from being hidden in shadow to shining with light. She lifts out of her slump and gazes up in wonder as, after more than a decade, the Bat Signal once again lights up Gotham City.

Predictably, *The Dark Knight Returns* was not universally praised. Art Spiegelman, the 1960s-underground artist who went on to the *New Yorker* and who won a Pulitzer prize in 1987 for *Maus*, his own brilliant graphic novel about the Holocaust, called Miller's Batman "a rather fascistic Reagan-era hero." What Miller had done was to bring an unprecedented level of realism to the squalor of the post-1960s city. Batman was still the sternest of moralists, and if his obsession with crime seemed nearly psychotic, it was a reflection of the frustrations of many Americans over the explosion of crime during the previous thirty years.

The Dark Knight Returns was enormously popular and fathered the entire generation of artists and writers who are writing comics in the late 1990s. The latest incarnations of superheroes are blessed with mythic powers that make them not inhuman but superhuman—representing human emotion and experience on a heroic scale.

In a 1994 issue, Marvel Comics' Incredible Hulk—a hero who turns into an unthinking, unstoppable green behemoth when he loses his temper—had to struggle with his inability, despite his godlike strength, to prevent a close friend from dying of AIDS. But the writer, Peter David, wasn't interested in easy tearjerking: In one scene, the Hulk's best friend Rick becomes hysterical when his

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All images: DC Comics. Opposite and previous pages: Mark Waid & Alex Ross, *Kingdom Come*. This page: Frank Miller, *Batman: The Dark Knight Returns*.

hands are covered with infected blood. Another group of Marvel characters, the X-Men, are genetically altered mutants who have to deal with a society that despises them—and which at least some of them despise in return. This premise allows the writers to explore issues of racism in surprisingly serious ways: the human racists who want to exterminate the mutants, and the mutant racists—"Homo Superior"—who want to rid the earth of humans.

Also resisting modern liberal bromides, although with more cartoonish humor, are the new breed of alternative comics. Titles like *Hate*, *Peep Show*, and *Eightball* are as countercultural as their precursors from the 1960s—except that the culture they're countering is often the culture of political correctness. The most bracing and original (and pornographic) is *Eightball*, written by the award-winning Daniel Clowes. (In 1997, for the first time, *Esquire* included a comic, by Clowes, as part of its annual summer fiction issue.) In one recent issue, the adolescent hero goes to a party and spends the entire time mentally insulting the young pseudo-rebels he sees:

> These are just average upper-middle-class kids and yet they all envision themselves as alternative "fringe-dweller" types. . . . The only way to really separate yourself from the mainstream is to contrive an extreme persona . . . and all that gets you is a pathetic fashion show of freaks . . . with made-up opinions.

Perhaps the high point of modern comics came in 1996 with *Kingdom Come*, a four-part series written by Mark Waid and painted by Alex Ross. Narrated by a Protestant pastor named Norman McCay who is plagued by visions of Armageddon, *Kingdom Come* tells of a world in which Batman, Superman, Wonder Woman, and the other old "League of Justice" heroes have been rejected. Humans have instead put their faith in a younger, more violent, and less ethical group of heroes who often fight just for the thrill of fighting. The older heroes finally come out of retirement, and the ensuing battle seems to be building to the apocalypse McCay foresaw. In the end, only an angelic intervention prevents the battle from destroying the world. The older heroes reestablish order, making it their cause to teach the younger ones how to use their powers to preserve life rather than destroy it.

Even the new comics that shun this kind of grandiosity manage to deal with religion and ethics with respect and sophistication. Probably the best comic being published today is *Daredevil*, "the man without fear." Originally a 1960s Marvel Comic created by Stan Lee, the new *Daredevil* was revived in the mid-1980s by Frank Miller and is now being written by Kevin Smith, the young independent film director who made 1994's *Clerks* and 1995's *Mallrats*.

Daredevil's alter ego is Matt Murdock, a New York lawyer who was struck blind in a freak childhood accident that left him with preternaturally heightened senses. Murdock is obsessed with justice—and he's also a practicing Catholic. In a recent issue he is interrupted during confession when his super-hearing picks up the heartbeat of a young woman who is about to be the victim of a crime. On his way to the rescue, Daredevil offers a prayer:

> Lord, every night You put on this immorality play for me, show me the disparity between man's magnificence and his actions. Eons of evolvement, and we're still seeking the darker corners to sate our impulses. How disappointing it must be for You to see us at our worst.

This isn't *Crime and Punishment*, and the literary gap that Tom Wolfe decries isn't going to be filled by comic books. But it isn't *Richie Rich* or *The Archies* either, and conservative moralists and lovers of good storytelling could do a lot worse than to follow the latest round of superheroes flying above the streets of Metropolis and Gotham. ♦

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"Men in New York City now use women as fashion accessories. Celebrities like Bill Maher and rich playboys like Jonathan Farkas arrange for beautiful women to accompany them to high-profile events. They don't know the women beforehand, and there is no pretense they be friends or have a sexual relationship after. The women, who are known as 'arm candy,' are simply expected to look good and attract attention." —*New York Times*, September 27, 1998

Sunday Styles

Image Enhancer: "Arm Bran" for the Rich and Stupid

By ALEX KUCZYNSKI

Sept. 31, 1999—The other night at the New York Public Library, Bill Maher, the host of ABC's "Politically Incorrect," appeared resplendent in his Ralph Lauren tux with a squat, owlish woman on his arm. "It's my Arm Bran," he said, referring to the bookish lady at his side. "She's really smart. She knows incredible stuff like which country Chinese food comes from. Isn't she ugly!"

Perhaps it was inevitable after the Arm Candy vogue of the past few years that the fashion wind would shift. Now shallow men from across the upper echelons of society are appearing with thoughtful, intelligent dates at their side, to complement their narrow wire-framed glasses. "It's very cutting edge," Mr. Maher said of his escort. "This one talks. She's a woman, yet amazingly I don't want to go to bed with her."

Mr. Maher was not the only man with an arresting escort at the party, which was hosted by the New York Review of Books to celebrate the 83rd birthday of its youngest contributor. Jonathan Farkas, the Alexander's Department Store heir, came to the event with an Arm Minority. "If you'll look closely at my date," Mr. Farkas said through his third martini, "you will notice that she is black. I thought it would be striking to have a black person with me because first of all it is very socially conscious and secondly her being black is a contrast to me being white. Usually when I date supermodels, which I do a lot, I am shorter than my dates but now I am shorter and lighter. So it's kind of a conceptual breakthrough."

"Have you seen my Arm Commie?" asked *Hamptons* magazine editor Jason Binn to no one in particular. "I thought it would make me look good to have a Communist by my side, because they are so into serious philosophy and all that stuff, and communism is a very red movement, which brings out the highlights in my hair weave. But Theodore Draper caught my date by the hors d'oeuvres. . . ."

His colloquy was interrupted by the arrival of Donald Trump, beaming with the satisfaction of one who knows he has just bested every other man in the room.

"Boys," Mr. Trump announced to the gathered throng, "I'd like you to meet my Arm Rebbe. Very holy Lubavitcher fellow. Total class. Just a fabulous, fabulous messiah. Go ahead, ask him about the Torah, the Talmud, the Kabbalah, anything. . . ."

Mr. Maher looked cha-

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IT'S PLAIN TO SEE WHAT'S MISSING FROM THE U.N. CLIMATE TREATY.

135 countries. China, India, and Mexico among others are exempt from the U.N. climate treaty. The U.N. claims the treaty will reduce greenhouse gas emissions. But these countries' emissions are growing five times faster than the rest of the world and, under this treaty, they won't have to cut back.

Instead, the U.S. and a few others will be faced with new costs that could limit how and when we use our cars, heat our homes and use electricity. And could raise the price of food, clothes and most things we buy. This treaty would dictate how we live our lives, while leaving most U.N. countries out of the picture.

THE U.N. CLIMATE TREATY. IT'S NOT GLOBAL AND IT WON'T WORK. www.climatefacts.org

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